



## Ecological Report

**Client:** Williams Group Ltd

**Site:** Culls Farm, East Farleigh

**Ref no:** 0238\_R02

**Status:** Planning

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## 1. SUMMARY

- S.1 This Ecological report details a Preliminary Ecological Appraisal (PEA) undertaken in respect of proposed development at Culls Farm, Dean Street, East Farleigh, Maidstone, Kent, ME15 0PS.
- S.2 Development proposals comprise the demolition of the existing commercial buildings and residential development of the site.
- S.3 A PEA site visit was undertaken by Native Ecology on the 28th June 2018. An update PEA site visit undertaken on 14th July 2020 found that habitats within the application site had not significantly changed.
- S.4 No further ecological survey work is required to inform suitable mitigation.
- S.5 Mitigation measures will be implemented for foraging and commuting bats, hedgehog and nesting birds (detailed in Section 10).
- S.6 Ecological enhancement measures will be included as part of development proposals in order to improve the value of the site for wildlife (detailed within Section 11).

## 2. INTRODUCTION

- 2.1 This Ecological report details a Preliminary Ecological Appraisal undertaken in respect of proposed development at Culls Farm, Dean Street, East Farleigh, Maidstone, Kent, ME15 0PS (TQ 74243 52829).
- 2.2 Figure 1, Section 3 and Figure 2, Section 4 provide plans showing the location of the site. Appendix 1 gives an overview of relevant legislation, which should be read in conjunction with this report.

### COMMISSION

- 2.3 Native Ecology was commissioned by Williams Group Ltd on 22nd June 2018 to undertake a Preliminary Ecological Appraisal within the site and on 4th July 2020 to undertake an update PEA site visit.

### APPLICATION SITE

- 2.4 The site comprises a rectangular plot of land currently used as garages and for car sales.
- 2.5 The majority of the site comprises areas of hard standing used for car parking. There are seven buildings within the site comprising large industrial units used as garages and pre-fabricated porta-cabins used as offices. There is an area of short, regularly cut amenity grassland and ornamental planting beds in the south-eastern corner of the site. Scattered trees are present within the site and species poor hedges are present around the northern and eastern site boundaries.
- 2.6 The survey area extends to approximately 0.7 ha.
- 2.7 Photographs of the application site are provided in Section 9.

### PROPOSED DEVELOPMENT

- 2.8 Development proposals comprise the demolition of the existing commercial buildings and residential development of the site.
- 2.9 The proposed site layout plan is provided in Figure 3, Section 8.

### PURPOSE OF REPORT

- 2.10 This report aims to provide general advice on ecological constraints associated with works within the site and includes recommendations for mitigation and further survey, where required.
- 2.11 The objectives of the report are to:
- Describe the baseline ecological conditions present within the site.
  - Identify any key ecological constraints to the proposed development both with regards protected species and sites.
  - Identify any further ecological surveys required in order to assess the possible impact on protected and important / notable species.
  - Identify where mitigation will allow significant ecological effects to be avoided or minimised wherever possible.
  - Identify opportunities for ecological enhancements that will increase the biodiversity within the site and improve value of the site for wildlife.



### 3. SITE LOCATION PLAN



Figure 1: Site location plan. Reproduced from OS Explorer 148 1:25,000 Ordnance Survey © Crown copyright and database rights [2015]. (Site centred TQ 74243 52829).

### 4. EXISTING SITE PLAN

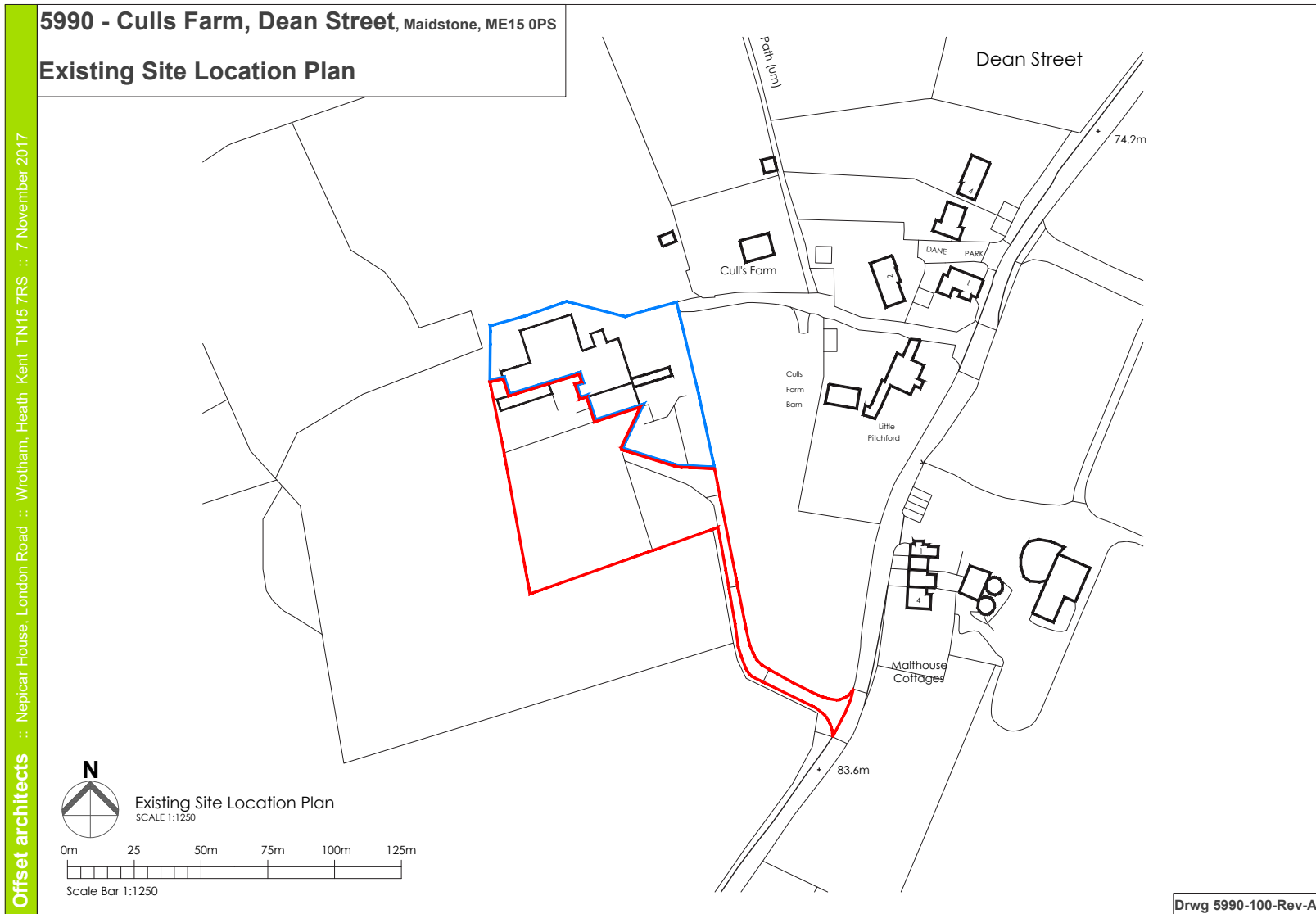


Figure 2: Existing site plan. Survey area is shown in red and blue.

## 5. METHODOLOGY

### PRELIMINARY ECOLOGICAL APPRAISAL

#### Desk study

- 5.1 A desk study was carried out to identify protected or notable species, habitats or sites potentially affected by the development proposal.
- 5.2 Records were obtained from the Kent Reptile and Amphibian Group (KRAG) in September 2018 for data within a 1km radius of the site.
- 5.3 The Multi Agency Geographic Information for the Countryside (MAGIC) website was used to obtain information about statutory designated sites of international importance such as Special Protection Areas (SPA) within 6km of the survey site. Information was obtained about statutory designated sites of national importance such as Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR) within 2km of the survey site.

#### Field survey

- 5.4 A site visit was undertaken by James Madden BSc MSc Grad CIEEM of Native Ecology on 28th June 2018. An update PEA site visit was undertaken by James Madden BSc MSc Grad CIEEM of Native Ecology on 14th July 2020.

*Table 1: Survey details*

Site	Culls Farm, Dean Street, East Farleigh, Maidstone, Kent, ME15 0PS
Grid reference	TQ 74243 52829 (centre of site)
Survey dates	Visit 1 - 28th June 2018 Visit 2 - 14th July 2020
Surveyor	James Madden BSc MSc Grad CIEEM
Time on site	Visit 1 - 11:30 - 13:00 Visit 2 - 11:00 - 11:45
Weather	Visit 1 - 21°C, 5% cloud cover, light breeze, no precipitation, ground dry Visit 2 - 20°C, 90% cloud cover, light breeze, no precipitation, ground dry

#### Assessment

- 5.5 During the survey the habitats and species identified within the site were recorded. An assessment was also made as to the presence or potential presence of protected, important or Nationally Rare species.



- 5.6 Protected species and habitats considered include those listed under the Schedules of the Conservation of Habitats and Species Regulations 2017 and of the Wildlife and Countryside Act 1981.
- 5.7 An assessment was made as to the likely presence of Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and birds on the Red and Amber lists of birds of conservation concern.
- 5.8 Potential impacts to designated sites, including Natura sites and SSSIs have been considered. In addition, an assessment has been made as to the possible impacts of the proposed development on nature conservation interests, in accordance with information relevant to the National Planning Policy Framework and Local Planning Policy.
- 5.9 A preliminary ground level roost assessment for bats was undertaken for trees within the site to be impacted by development proposals as per the Bat Conservation Trust guidelines (Collins, 2016). Binoculars and a high powered torch were used to identify and, where possible, categorise potential roosting features for bats in terms of their suitability for roosting bats.

#### Zone of Influence

- 5.10 The 'zone of influence' for a project is the area over which ecological features may be subject to significant effects as a result of the proposed project and associated activities (CIEEM, 2017).
- 5.11 This report provides an assessment of the effects of a proposed development on protected or ecologically valuable sites, habitats or species where these effects extend beyond the development boundary of the site.

#### Survey limitations

- 5.12 There were no significant constraints to survey within the Site.
- 5.13 In accordance with CIEEM guidance, consideration should be given to the validity of survey data after a period of 12 month from the date of the survey. This may require a site visit to assess whether ecological conditions within the site have changed and may require further ecological survey work due to the transient nature of some protected species.
- 5.14 Full biological records were not obtained. This is not considered a significant limitation because records for protected species are not required as proposals do not include impacts on suitable habitat.

## 6. BASELINE ECOLOGICAL CONDITIONS

### HABITATS WITHIN THE SITE

6.1 Appendix 3 provides a habitat plan of the site.

#### Habitats of Principal Importance

6.2 There are no habitats of principal importance located within the application site.

#### Other habitats

6.3 The majority of the site comprises hard standing including areas used for car parking and access roads.

6.4 An area of short, regularly cut amenity grassland are present within in the south-eastern corner of the site. Species associated with the amenity grassland include perennial ryegrass (*Lolium perenne*), cock's-foot (*Dactylis glomerata*), dock (*Rumex sp.*), forget-me-not (*Myosotis arvensis*), creeping thistle (*Cirsium arvense*), white clover (*Trifolium repens*), creeping buttercup (*Ranunculus repens*) and daisy (*Bellis perennis*).

6.5 There are narrow (<1m wide) strips of tall ruderal vegetation around the margins of the site. Species include common cleavers (*Galium aparine*), common nettle (*Urtica dioica*), dock, common hogweed (*Heracleum sphondylium*), smooth sow thistle (*Sonchus oleraceus*), field bindweed (*Convolvulus arvensis*), pineappleweed (*Matricaria discoidea*), creeping thistle, cat's-ear (*Hypochaeris radicata*), ragwort (*Jacobaea vulgaris*), willow herb (*Epilobium sp.*), red campion (*Silene dioica*) and spear thistle (*Cirsium vulgare*).

6.6 Areas of ornamental planting present include a variety of shrubs and flowers including Mexican orange blossom (*Choisya ternata*), *Euonymus sp.*, Iris sp., rose (*Rosa sp.*) and variegated ivy (*Hedera helix*).

6.7 A native species hedgerow bounds the eastern side of the access track into the site. Species include hawthorn (*Crataegus monogyna*), goat willow (*Salix caprea*), *Prunus sp.*, bramble (*Rubus fruticosus agg.*) and ivy. A species poor hedge of Leyland cypress (*Cupressus x leylandii*) lines the northern and eastern site boundaries in the north-eastern corner of the site. A species poor hedge of cherry laurel (*Prunus laurocerasus*) with occasional hawthorn and *Osmanthus x burkwoodii* lines a portion of the eastern site boundary.

6.8 There is a line of 12 mature, pollarded poplar (*Populus sp.*) trees present to the north of the main car parking area.

#### Buildings

6.9 There are eight buildings within the site comprising large industrial units used as garages and pre-fabricated porta-cabins used as offices (see Habitat Plan, Appendix 3 for building locations).

6.10 Building 1 comprises a pre-fabricated porta cabin with a flat, felt lined roof.

6.11 Building 2 comprises a steel framed structure with concrete block walls. The walls and roof are clad in corrugated concrete sheeting.

- 6.12 Building 3, 4 and 5 comprise large steel framed structures with walls clad in metal panels and unlined roofs clad in corrugated concrete sheeting.
- 6.13 Buildings 6 - 9 comprise pre-fabricated porta-cabins with flat, felt-lined roofs.

**SURROUNDING HABITATS**

- 6.14 The site is bounded to the north, south and west by fields of grassland. A native species hedgerow bounds the eastern side of the access track into the site. The wider surrounding area comprises predominantly arable fields bounded by hedgerows, patches of woodland and scattered residential areas.

**DESIGNATED SITES**

Statutory Sites of International Importance

- 6.15 There are no Statutory Sites of International Importance located within 6km of the survey site.

Statutory Sites of National Importance

- 6.16 There is one Statutory Sites of National Importance within 2km of the survey area.

*Table 2: Details of Statutory Sites of national Importance within 2km of the site boundary.*

Site name	Size (ha)	Distance and direction from site	Qualifying Features
Fant Local Nature Reserve (LNR)	1.38	1.9km north	Fant LNR is an area of abandoned allotment gardens close to the town centre of Maidstone that is now managed for wildlife. Creation of a diversity of habitats is being achieved through the excavation of ponds and the planting of native trees and plants.

- 6.17 It is unlikely that the development of the site for residential use will impact the habitats/interest features associated with Fant LNR due to the distance between sites.
- 6.18 No further assessment or mitigation is recommended with regard to statutory sites.

Non-statutory sites

**Local Sites**

- 6.19 There is are no Local Sites located within 1km of the site.
- 6.20 No further assessment or mitigation is recommended with regard to non-statutory sites.

Ancient Woodland

- 6.21 There are four areas of ancient woodland within 500m of the survey site, the nearest of which is Deans Shaw located approximately 180m to the east.

- 6.22 It is unlikely that the development of the site for residential use will impact the areas of ancient woodland located within 500m of the site due to the distance between sites.
- 6.23 No further survey work or mitigation is recommended for ancient woodland.

## **PROTECTED SPECIES**

### **BATS**

#### **Buildings**

- 6.24 Buildings within the site do not possess suitable potential roosting features for bats. The roofs comprise unlined sheets of corrugated concrete or flat, felt lined roofs. There are no crevices or cavities present that are likely to support bats of crevice dwelling species such as common pipistrelle. The interior of the buildings are occupied and used regularly and are well illuminated. Perching points for bats are limited.
- 6.25 The buildings within the site are assessed as providing habitat of negligible suitability for roosting bats.

#### **Trees**

- 6.26 The trees within the site were assessed for their suitability to support roosting bats as per the Bat Conservation Trust guidelines (Collins, 2016). None of the trees within the site or along the site boundaries possess potential roosting features (PRF) for bats. No further survey work or mitigation is required for roosting bats.

#### **Foraging and commuting habitat**

- 6.27 Habitats within the site, comprising predominantly hard standing and buildings, provide habitat of negligible suitability for foraging and commuting bats. The mature trees located within the site and hedges located around the site boundaries provide foraging habitat of low suitability for bats.

#### **Hazel dormouse**

- 6.28 There is no habitat suitable for hazel dormice within, or in close proximity to the site. The native species hedge present along a portion of the eastern site boundary is not to be impacted by proposals. No further survey work or mitigation is required for hazel dormice.

#### **Otter**

- 6.29 There is no habitat suitable for otter within, or in close proximity to the site. No further survey work or mitigation is required for otter.

#### **Badger**

- 6.30 During the survey no badger setts or signs of badger were found within the site. Given the habitats within the site, badger are unlikely to enter the construction zone. No further survey work or mitigation for badger is required.

### Water vole

- 6.31 There is no habitat suitable for water vole within, or in close proximity to the site. No further survey work or mitigation is recommended for water vole.

### Hedgehog

- 6.32 During the survey no signs of hedgehog (droppings) were found within the site.
- 6.33 Hedgehog may be present in the surrounding area and may forage within the site on occasion. Hedgehog are unlikely to shelter or hibernate within the construction zone.

### Common mammals

- 6.34 No animals burrows, such as rabbit or fox burrows, were found within the site.
- 6.35 No mitigation is required for common mammals.

### Birds

- 6.36 During the survey several bird species were observed or heard. These included robin, house sparrow, carrion crow and wood pigeon.
- 6.37 No birds listed under Schedule 1 of the Wildlife and Countryside Act (1981) are expected to nest within the application site.
- 6.38 The trees and ornamental planting beds provide suitable nesting habitat for a number of common bird species.

### Reptiles

- 6.39 Data from KRAG include one recent record of reptiles recorded within 1km of the site. A grass snake was recorded in 2013 located approximately 0.8km to the south of the site.
- 6.40 There is no habitat suitable for reptiles within the site.
- 6.41 No further survey work or mitigation is required for reptiles.

### Great crested newt

- 6.42 Data from KRAG include one recent record of great crested newt located 1km to the south of the site. Nine adult great crested newt were recorded in 2013 located approximately 0.8km to the south of the site.
- 6.43 The majority of the site comprising hard standing and buildings provides terrestrial habitat of negligible suitability for great crested newt. The short, regularly cut amenity grassland and narrow strips of tall ruderal vegetation growing through gravel hard standing, provide terrestrial habitat of low suitability for great crested newt. The ornamental planting beds provide terrestrial habitat of low - moderate suitability for great crested newt.

- 6.44 There are no waterbodies present within the application site boundary. According to OS maps and Magic Map there is one waterbody located within 500m of the application site. This waterbody comprises a pond under trees in a residential garden located 200m to the south of the site.
- 6.45 Should great crested newt be present within this off site pond, it is unlikely that individuals would disperse into the application site due to the distance between the pond and the site and the large areas of higher quality habitat in closer proximity to the pond. Therefore, habitats within the site are unlikely to provide a place of shelter for great crested newt.
- 6.46 No further survey work or mitigation is recommended for great crested newt.

#### Invertebrates

- 6.47 The habitats within the application site provide suitable habitat to support a range of common and widespread invertebrates.
- 6.48 Protected or rare invertebrates are unlikely to be present within the application site.
- 6.49 No further survey work or mitigation is recommended for invertebrates.

#### Flora

- 6.50 Due to the past and present management of the application site, the areas of habitat are unlikely to support protected plant species.
- 6.51 No evidence of Schedule 9 plants was found during the site survey.
- 6.52 No further botanical surveys or mitigation are recommended.
- 6.53 Recommendations for ecological enhancements provided within Section 10 will increase the botanical biodiversity within the site.



## 7. PHOTOGRAPHS



*Photograph 1: Access road showing native species hedge lining eastern site boundary.*



*Photograph 2: Area of short, regularly cut amenity grassland and ornamental planting.*



*Photograph 3: Building 1.*



*Photograph 4: Building 3.*



*Photograph 5: Building 4.*



*Photograph 6: Buildings 7, 8 and 9.*



# 8. PROPOSED SITE PLAN



Figure 3: Proposed Site Plan (Offset Architects, Drawing No. 5990 - PD10, dated Oct 2020).

## 9. ECOLOGICAL CONSTRAINTS

### PROTECTED SPECIES

#### Foraging and commuting bats

- 9.1 The habitat to be impacted by proposals is likely to be of negligible value to foraging and commuting bats due to the availability of higher quality habitat in the locality.
- 9.2 No further survey work is recommended for foraging and commuting bats.
- 9.3 Precautionary mitigation regarding post development lighting will be implemented as part of proposals (detailed in Section 10).

#### Hedgehog

- 9.4 Without mitigation measures during the construction phase and post-development phase, development proposals have the potential to harm individual hedgehog that may occasionally enter the site to forage.
- 9.5 Precautionary mitigation (detailed in Section 10) will therefore be implemented to avoid harm to this species.

#### Birds

- 9.6 The habitat within the site available for nesting birds is small and of relatively low quality. Therefore, development within the site is unlikely to significantly impact bird species in the locality.
- 9.7 No further survey work is recommended for birds.
- 9.8 Common bird species may nest within the trees and ornamental shrubs present within the application site.
- 9.9 Should these habitats be impacted by development proposals then mitigation will be implemented to avoid the nesting bird season (detailed in Section 10).

## 10. RECOMMENDED MITIGATION MEASURES

### BATS

#### Foraging and commuting bats

#### Careful lighting design

10.1 In order to reduce a potential, indirect impact on foraging and commuting bats to negligible, mitigation to reduce any effects of artificial lighting will be implemented, as far as possible and where applicable, in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals (ILP, 2018).

- Retained and neighbouring boundary vegetation will not be illuminated so that dark flight corridors for bats are retained.
- Any external lighting will be operated with motion sensors, where health and safety allows.
- Metal halide and fluorescent sources will not be used.
- A warm white spectrum (ideally 2700Kelvin) will be adopted to reduce the blue light component.
- LED luminaires will be used which have a sharp cut off and lower intensity to avoid light trespass.
- Luminaires will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats.
- Internal luminaries in close proximity to windows will be recessed, where possible, to reduce external glare and light spill.
- Column heights will be as low as possible to avoid unnecessary light spill.
- Luminaires will be mounted on the horizontal to avoid upward spill.
- Accessories such as baffles, hoods and louvres will be used to further reduce any light spill and direct it to where it is needed.

#### Hedgehog

10.2 The following mitigation will be implemented for hedgehog during the clearance of any vegetation within the Site in order to avoid harm to individual animals:

- Care will be taken when clearing vegetation to avoid harming hedgehog that may be sheltering within the Site:
  - If a hedgehog is found (without young) within the site between April and October inclusive then it will be carefully relocated to an area outside the development site that offers immediate shelter.
  - If a nesting hedgehog with young is found between May and October inclusive (breeding season) then an ecologist will be contacted immediately for advice.
  - If a hibernating hedgehog is found between November and March inclusive (hibernation season) then an ecologist will be contacted immediately for advice.

- 10.3 The following mitigation will be implemented for hedgehog during the construction phase:
- All holes and excavations will be covered over each night to prevent animals from being trapped or injured.
  - If this is not possible, a structure/plank will be placed into the hole to enable animals to escape.
  - Any removal of building materials or other debris, will be undertaken with care to prevent harm to hedgehog.
  - If any hedgehogs are found during the construction phase they will be carefully relocated to an area outside the development site that offers immediate shelter.
- 10.4 The following mitigation will be implemented for hedgehog post-development:
- Any close board fencing to be used will be fitted with small openings within gravel boards to allow hedgehogs access throughout the site. At least one entrance hole will be fitted into each boundary.

### Nesting birds

#### **Avoid impact to nesting birds**

- 10.5 The following mitigation will be implemented to avoid impact to nesting birds:
- Works to vegetation or demolition of buildings will be undertaken between September and February, and ideally between October and January, to avoid the bird nesting season.
- 10.6 Should impacts to vegetation or buildings be unavoidable between March and September, then the following mitigation will be undertaken:
- A nesting bird survey will be undertaken by a suitably experienced ecologist within at least 48 hours prior to any impacts to buildings.
  - A watching brief will be carried out by a suitably experienced ecologist during any works that impact suitable vegetation within the site.
  - If nesting/nest-building birds are found, no works will commence/continue that are likely to damage or significantly disturb a nest until the young have fully fledged.

*Works undertaken during the bird nesting season may result in significant delays to the development programme should activities need to cease due the presence of an active nest. It should be noted that some bird species, such as blackbirds and robins are multiple brooders and may therefore nest within the site for a number of months.*

## 11. ECOLOGICAL ENHANCEMENT MEASURES

- 11.1 The following ecological enhancement measures will be included within the proposals in addition to the retention of trees where possible.

### Planting of trees and hedgerows

- 11.2 The planting of trees and hedgerows within and around the site boundaries will create habitat of benefit to a wide range of bird species and may benefit other species such hedgehog.
- 11.3 New hedgerow planting will include a variety of native woody species such as hawthorn, field maple, blackthorn, spindle, hornbeam (*Carpinus betulus*), guelder rose (*Viburnum opulus*) and dogwood. Alternatively, species with proven wildlife benefits will be selected for inclusion in the planting plan.

### Native and nectar rich planting plan

- 11.4 Planting plans around the new buildings will include native, flower rich species, including those that flower in the late and early seasons to enhance the biodiversity value of the site.
- 11.5 The inclusion of climbing plants will add sheltering opportunities for invertebrates and birds. They can also produce nectar rich flowers for butterflies, bees and hoverflies and fruit for birds and small mammals.
- 11.6 The inclusion of herbs will provide nectar for an array of invertebrate species, including bees, butterflies and moths. Providing a range of herb plants will ensure flowering throughout the seasons.
- 11.7 The inclusion of plants that produce scent at night will attract night flying invertebrates and as such will also provide foraging opportunities for bats.

### Integration of bird boxes

- 11.8 Bird boxes will be integrated into the new buildings, increasing the nesting opportunities for a range of species within the locality, as follows:
- 2no. boxes suitable for house sparrows (Schwegler Sparrow Terrace 1SP), at a height of at least 2m;
  - 2no. boxes suitable for hole nesting species (Schwegler brick nest box - Type 24), at a height of at least 2m; and / or
  - 2no. boxes suitable for swifts (Schwegler Swift Box No. 17 - Standard) and 2no. house martins (house martin nest bowl), at a height of at least 5m.

### Integration of bat boxes

- 11.9 Development provides an opportunity to enhance the site for bats via provision of roosting opportunities.
- 11.10 2no. Integrated bat boxes, such as a Schwegler Bat Tube 1FR, Habibat Access Box 001 Bespoke or similar, will be installed within the external fabric of new buildings. Boxes will be located:
- at least 2m above the ground and preferably above 4m (where safe installation is possible);



- as close to the eaves as possible but away from windows; and
- sheltered from strong winds and exposed to the sun for part of the day (usually south or south-west elevation).

## 12. REFERENCES

- CIEEM (2017). Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute for Ecology and Environmental Management, Winchester.
- CIEEM (2017a). Guidelines for Ecological Report Writing. Chartered Institute for Ecology and Environmental Management, Winchester.
- CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Collins, J. (ed.) (2016) Bat surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.
- Fant Wildlife Group (2018). Website: <https://www.freewebs.com/fantwildlife/index.html> (accessed 06/09/2018).
- Institute of Lighting Professionals & Bat Conservation Trust (2018). Bats and artificial lighting in the UK. Bats and the built environment series. Guidance Note 08/18.
- Joint Nature Conservation Committee (2010). Handbook for Phase 1 Habitat Survey - a Technique for Environmental Audit. Revised print, JNCC, Peterborough.
- Multi-agency Geographic Information for the Countryside (MAGIC) Interactive Map. Department for Environment, Food and Rural Affairs. <http://magic.defra.gov.uk> (accessed: 12/10/2020)
- UK Biodiversity Action Plan; Priority Habitat Descriptions. BRIG (ed. Ant Maddock) 2008.

## 13. APPENDIX 1: SUMMARY OF PLANNING POLICY AND LEGISLATION

13.1 Conservation of Habitats and Species Regulations 2017 are also known as European Protected Species. European Protected Species include all species of bats, hazel dormice and great crested newt.

13.2 European Protected Species relate to those listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended) and are afforded the highest level of protection. These species are also protected under the Wildlife and Countryside Act 1981. Taken together this level of protection makes it an offence to:

- deliberately capture, injure or kill any wild animal of a European protected species,
- deliberately disturb wild animals of any such species
- deliberately take or destroy the eggs of such an animal
- damage or destroy a breeding site or resting place of such an animal

13.3 Disturbance of animals includes in particular any disturbance which is likely:

- to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
- in the case of animals of a hibernating or migratory species, impair their ability to hibernate or migrate
- to affect significantly the local distribution or abundance of the species to which they belong

13.4 The legislation requires that any derogation be dealt with by licencing through an appropriate licencing body (Natural England in England). In determining whether a licence can be granted the licencing body must apply the requirements of Regulation 53, and in particular, the three tests:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

2. Regulation 55(9) states: The relevant licencing body must not grant a licence under this regulation unless it is satisfied—

(a) that there is no satisfactory alternative; and

(b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

### PLANTS

13.5 A number of plant species are protected under Schedule 8 of the Wildlife and Countryside Act 1981. This Schedule lists plant species that are protected under Section 13, which protects from picking and sale of plants or parts of plants listed in Schedule 8.

## BIRDS

13.6 All nesting birds are protected under the Wildlife and Countryside Act 1981. With certain exceptions, it is an offence to:

- Kill, injure or take wild birds;
- Take, damage or destroy the nest of wild birds while in use or being built;
- Take or destroy the eggs of wild birds;
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

### Birds of Conservation Concern

13.7 After reviewing the status of all bird species in the UK, the leading non-governmental bird conservation organisations agreed priorities for bird conservation. This led to the publication of a list of Birds of Conservation Concern. Bird species are either listed as red, amber or green, depending on their status and conservation objectives. Birds listed as red require urgent, effective conservation action.

## BADGERS

13.8 Badgers are protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to:

- Wilfully kill, injure or take a badger (or attempt to do so).
- Cruelly ill-treat a badger.
- Dig for a badger.
- Intentionally or recklessly damage or destroy a badger sett, or obstruct access to it.
- Cause a dog to enter a badger sett.
- Disturb a badger when it is occupying a sett.

## COMMON REPTILES

13.9 All common and widespread reptiles, which include viviparous lizard, slow worm, grass snake and adder are protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Intentionally or recklessly kill or injure reptiles
- Sell, offer for sale, possess or transport for the purpose of sale or publish advertisement to buy or sell any reptile.

## INVERTEBRATES

13.10 A small number of invertebrates are protected under the Conservation of Habitats and Species Regulations 2017, relating to the designation of SACs, including white-clawed crayfish and Desmoulin's whorl snail.

**13.11** A number of invertebrate species also protected under the Wildlife and Countryside Act, such as the heath fritillary and fairy shrimp. Species listed under Schedule 5 are protected from one, some or all of the following:

- Intentional killing, injuring, taking
- Possession or control (live or dead animal, part or derivative)
- Damage to, destruction of, obstruction of access to any structure or place used by a scheduled animal for shelter or protection
- Disturbance of animal occupying such a structure or place
- Offering for sale, possessing or transporting for the purpose of sale (live or dead animal, part or derivative)
- Advertising for buying or selling live or dead animal, part or derivative

### **STATUTORY PROTECTED SITES**

**13.12** Special Protection Areas and Special Areas of Conservation are protected under the Conservation of Habitats and Species Regulations 2017.

**13.13** Sites of special scientific interest (SSSIs) are protected under the Wildlife and Countryside Act 1981. Natural England is responsible for notifying SSSIs, ensuring they are managed appropriately and assessing and monitoring their condition.

**13.14** National Nature reserves are created to protect important wildlife habitats, while also providing a resource for scientific research and recreation. Declared under the National Parks and Access to the Countryside and the Wildlife and Countryside Act 1981.

### **NON-STATUTORY PROTECTED SITES**

#### **Ancient Woodland**

**13.15** Land with continuous woodland cover since at least 1600AD. Ancient woods are recognised in UK planning policy, but do not have statutory protection.

### **NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006**

**13.16** Following consultation with Natural England, the Secretary of State identified species and habitats considered to be of principal importance for the conservation of biological diversity in England. These species and habitats are listed under Section 41 of the Act. The list is to be kept under review and revisions are made as necessary as part of the progress reports on the Biodiversity Strategy for England.

**13.17** Following the Biological Diversity in Japan, 2012, a new initiative in England, 'Biodiversity 2020', replaced the former UK Biodiversity Action Plan Species aiming to reinforce the protection of Section 41 habitats and species.

## THE NATIONAL PLANNING POLICY FRAMEWORK

13.18 The National Planning Policy Framework was revised in February 2019 and sets out the Government's planning policies for England and how these are expected to be applied. Within this document, Chapter 15 is titled Conserving and Enhancing the Natural Environment.

13.19 *Of particular relevance within this chapter are the following statements:*

*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.*

*To protect and enhance biodiversity and geodiversity, plans should:*

- *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

*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 incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*



## 14. APPENDIX 2: SUITABILITY ASSESSMENT OF ROOSTING HABITAT

Table 3: Assessing potential suitability of roosting habitat (structures and trees) for bats and survey effort required. Adapted from Bat Surveys for Professional Ecologists, Good Practice Guidelines 3rd Edition (Collins, 2016).

Suitability	Description of roosting habitat	Survey effort* and timing
Negligible	Negligible habitat features on site likely to be used by roosting bats.	None required.
Low	A structure or tree with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation).	<p><b>Buildings/structures:</b></p> <p>One survey visit. One dusk emergence or dawn re-entry survey.</p> <p>Timing: May to August.</p> <p><b>Trees:</b></p> <p>None required.</p>
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	<p>Two separate survey visits. One dusk emergence and a separate dawn re-entry survey.</p> <p>Surveys should be spaced a minimum of two weeks apart.</p> <p>Timing: May to September with at least one survey undertaken between May - August.</p>
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	<p>Three separate survey visits. At least one dusk emergence and a separate dawn re-entry survey. The third visit could be either dusk or dawn.</p> <p>Surveys should be spaced a minimum of two weeks apart.</p> <p>Timing: May to September with at least two surveys undertaken between May - August.</p>

\* Recommended minimum number of survey visits for presence/absence surveys to give confidence in a negative result for structures and trees.

## 15. APPENDIX 3: HABITAT PLAN










See overleaf.

### Target notes

- T1 Building 1.
- T2 Building 2.
- T3 Building 3.
- T4 Building 4.
- T5 Building 5.
- T6 Building 6.
- T7 Building 7.
- T8 Building 8.
- T9 Building 9.
- T10 Leyland cypress hedge.
- T11 Cherry laurel hedge.
- T12 Line of 12 mature, pollarded poplar trees.
- T13 Pasture field surrounding site.
- T14 Off-site native species hedgerow.



Legend:

-  Buildings
-  Hard standing
-  Amenity grassland
-  Ornamental shrubs
-  Tall ruderal
-  Species-poor intact hedge
-  Trees (indicative)
-  Target note
-  Survey area boundary

Note:

Features and habitat boundaries are mapped approximately by eye based on a walkover survey undertaken on 14th July 2020.



### Habitat Plan

Culls Farm  
Dean Street, East Farleigh  
Maidstone, Kent

Drawing ref:	0238_DR_001_REV A
Revision:	1st
Date:	12/10/2020
Scale:	1:500
Paper size:	A3