Ecological Impact Assessment

April 2024

Land South of Ashford Road, Sellindge

Prepared by
CSA Environmental

On behalf of
Gladman Developments

Report No: CSA/4509/06

CSA environmental

masterplanning | ecology | landscape | heritage

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Report Reference	Revision	Date	Prepared by	Approved by	Comments
CSA/4509/06	-	20/09/2023	JMT	CC	Draft for comment
	A	10/11/2023	JMT	CC	Minor updates
	B	23/11/2023	JMT	CC	Minor updates
	C	16/04/2024	JMT	CC	Updated to address KCC comments and BNG revisions

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EXECUTIVE SUMMARY

Residential development is proposed at Land South of Ashford Road, Sellindge, for which outline planning permission is sought and for which this report has been prepared. The land adjacent to the south and west is that of Potten Farm, and a joint Development Framework Plan (DFP) has been designed to incorporate this site and Potten Farm. A separate Ecological Impact Assessment (EcIA) informs the application for development on land at Potten Farm.

CSA Environmental was instructed by Gladman Developments to undertake an Ecological Impact Assessment of the proposed development. To inform this assessment, a desktop study followed by targeted species and habitat surveys were undertaken; the results of surveys provided herein. As assessment of potential effects as a result of the development has been undertaken.

Habitats currently present within the Site include other lowland acid grassland, other neutral grassland and one small pond with hedgerows and treelines found at the boundaries. The large majority of the site consists of 'other lowland acid grassland' and scattered trees are interspersed throughout the central part of the Site. Some of the trees at the boundaries have features of veterancy and one is considered ancient and veteran (T55). Eighteen on-Site trees have potential to support roosting bats. The scheme seeks to retain habitats wherever practicable, with compensatory planting provided within retained open space areas.

No reptiles were recorded on-Site. However, low populations of common lizard, grass snake and slow worm are present within grassy arable margins adjacent south-west of the Site, within the separate Potten Farm site. Reptiles are considered to be of Site – Local importance. Low frequency of foraging activity, from mostly common species of bat, has also been recorded across the Site. A total of 26 breeding bird species have been recorded. Bat and bird populations are considered to be of Local level importance. A small breeding population of great crested newt (GCN) has been recorded in ponds within 500m, and on-Site grassland, hedgerow and woodland habitats are likely to offer opportunities for this species during the terrestrial phase of their life cycle. Whilst GCN are afforded legal protection under European legislation, this species is known to be fairly common and widespread within Kent and as such the population is considered to be important at the Local level. Mitigation has been proposed to address potential impacts on these protected species and ensure compliance with applicable legislation.

The Site lies within the East Stour catchment of the Stodmarsh SPA/SAC/Ramsar, within which proposed residential development may result in a likely significant effect on these designations as a result of nutrient enrichment (phosphates and nitrates) from foul water and

surface water runoff. In order to mitigate the potential adverse effects on the integrity of the Stodmarsh designations foul water will be treated by a dedicated water recycling centre (WRC) located within the adjacent land at Potten Farm site, with surface water being treated via creation of an on-Site attenuation basin area; both of which will strip phosphates and nitrates prior to discharge into the Stour catchment, to ensure nutrient neutrality and avoid any adverse effects on integrity to qualifying features within the Stodmarsh designations.

Opportunities for ecological enhancement may be secured by planning condition. New habitat creation is proposed to include boundary planting, nectar-rich grasslands, incorporation of bat and bird boxes and wetland SUDs features.

Based on successful implementation of the proposed avoidance, mitigation and enhancement, the development is not anticipated to result in any significant residual negative effects on important ecological features. However, it has been demonstrated that the scheme will result in a net loss in biodiversity through development of the Site. This net loss can be offset through securing off-site biodiversity units or by the purchase of biodiversity credits. The scheme is considered to accord with all relevant nature conservation legislation, as well as with the provisions of The Folkestone & Hythe District Council Core Strategy (adopted 2022) and the Folkestone & Hythe Places and Policies Local Plan 2020 (adopted 2020).

1.0 INTRODUCTION

1.1 This report has been prepared by CSA Environmental on behalf of Gladman Developments. It sets out the findings of an Ecological Impact Assessment of proposed development at Land South of Ashford Road, Sellindge (hereafter 'the Site'). Residential development is proposed at the Site, for which outline planning permission is sought.

1.2 The scope of this assessment has been determined with consideration of best-practice guidance provided by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018) and the Biodiversity: Code of practice for planning and development published by the British Standards Institute (BS 42020:2013).

1.3 The Site occupies an area of c. 2.95ha, is located around central grid reference TR 09970 38206, to the south-east of Ashford. It consists of grazed grassland of differing type and condition and is interspersed with mature trees, some of which have features of veterancy. The Site is bordered by defunct, species rich hedgerows (see Habitats Plan in Appendix A).

1.4 The land around Grove House was subject to a PEA in August 2019, and a range of further surveys for protected species and assessments of the habitats found on Site were undertaken with a full Ecological Impact Assessment carried out against previous proposals (CSA/4509/06/A; April 2020). This included bat activity surveys, a Preliminary Ground Level Roost Assessment (PGLRA) of all on-Site trees, reptile presence/absence surveys, breeding bird surveys and a Habitat Suitability Survey (HSI) of ponds on and within 500m of the Site for their suitability to support great crested newt *Triturus cristatus*. The results of these surveys are now out-of-date but have been summarised within this report where necessary to provide context.

1.5 An update desk study and update field survey was undertaken for the Site in July 2022 as part of an updated Preliminary Ecological Appraisal, and a UK Habitat Classification survey was undertaken in March 2023, the findings of which are presented herein. In addition, the following update further survey work for the Site was undertaken between 2022 and 2023:

- Habitat Condition Assessment (HCA; June 2023)
- Reptile survey (September 2022)
- Bat surveys (July – September 2022)
- Breeding bird surveys (May – July 2023)

1.6 This EcIA aims to:

- Establish baseline ecological conditions at the Site.
- Determine the importance of ecological features which could be affected by the proposed scheme.

- Identify any likely significant impacts or effects of the proposed development on important ecological features, in the absence of mitigation, including cumulative impacts.
- Set out any measures necessary to effectively avoid or mitigate likely significant effects and identify residual impacts.
- Identify any compensation measures required to offset residual impacts.
- Set out potential ecological enhancement measures that may be secured by the proposed scheme and quantify the overall net change in biodiversity using the Statutory Biodiversity Metric.
- Confirm how proposed mitigation, compensation and enhancement measures could be secured.
- Provide sufficient information to determine whether the project accords with relevant nature conservation policies and legislation, and where appropriate, to allow conditions or obligations to be imposed by the relevant authority.

1.7 An EcIA can be used for the appraisal of projects of any scale. This is a best practice evaluation process, recommended by CIEEM (2018). It is intended that the evaluation of findings presented here-in will aid the Folkestone and Hythe District Council in their review of the planning application.

2.0 LEGISLATION, PLANNING POLICY & STANDING ADVICE

Legislation

2.1 Legislation relating to wildlife and biodiversity of particular relevance to this EcIA includes:

- The Conservation of Habitats and Species Regulations 2017 (as amended)
- The Wildlife and Countryside Act 1981 (as amended)
- The Natural Environment and Rural Communities (NERC) Act 2006
- The Protection of Badgers Act 1992
- The Environment Act 2021

2.2 This above legislation has been addressed, as appropriate, in the production of this report. Further information on the above legislation is provided in Appendix B.

National Planning Policy

2.3 The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2021) sets out the government planning policies for England and how they should be applied. Chapter 15: Conserving and Enhancing the Natural Environment, is of particular relevance to this report as it relates to ecology and biodiversity. Further details are provided in Appendix B.

2.4 Accompanying the NPPF, central government guidance on the implementation of planning policies is set out within online Planning Policy Guidance (PPG). The Natural Environment PPG addresses biodiversity conservation, from individual site and species protection through to the supporting of ecosystem services. Further guidance in respect of statutory obligations for biodiversity conservation within the planning system is provided by Government Circular 06/2005.

Local Planning Policy

2.5 A number of local planning policies relate to ecology, biodiversity and/or nature conservation. These are summarised in Table 1 of Appendix B. These policies have been addressed, as appropriate, in the production of this report.

Standing Advice

2.6 Natural England Standing Advice regarding protected species aims to support local authorities and forms a material consideration in determining applications in the same way as any individual response received from Natural England following consultation. Standing advice has therefore been given due consideration, alongside other detailed guidance documents, in the scoping of ecological surveys and production of this report.

3.0 METHODS

Desk Study

3.1 An ecological desk study was undertaken in July 2022 comprising a review of online resources and biological records centre data as detailed below.

3.2 The Multi-Agency Geographic Information for the Countryside (MAGIC) online database was reviewed to identify the following ecological features (based on the Site's likely 'zone of influence' in respect of such features):

- Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites within 10km of the Site (including possible/proposed sites)
- Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Local Nature Reserves (LNR) within 3km of the Site
- Other relevant data e.g. Ancient Woodland Inventory within 1km of the Site

3.3 Kent and Medway Biological Records Centre (KMBRC) was contacted for details of any non-statutory nature conservation designations and records of protected/notable habitats and species. This information was requested for an area encompassing the Site and adjacent land within c. 2km of its central grid reference. This search area was selected to include the likely zone of influence of effects upon non-statutory designations and protected or notable habitats and species.

3.4 Further online resources were reviewed for information which may aid the identification of important ecological features. The Woodland Trust's online Ancient Tree Inventory was reviewed for known ancient or veteran trees within the Site and adjacent land. Interactive online mapping provided by the charity 'Buglife' was used to determine whether the Site falls within an Important Invertebrate Area.

3.5 Where possible under the terms of the data provider, relevant desk study data are presented in Appendix C. In accordance with Natural England's Great Crested Newt Mitigation Guidelines (2001), a desktop search was undertaken to identify ponds within 500m of the Site which may have potential to support breeding great crested newts *Triturus cristatus*, using Ordnance Survey (OS) mapping, the MAGIC database and aerial photography. Historical GCN survey data for a neighbouring planning application was reviewed in light of this.

3.6 An Impact Assessment and Payment Certificate (IACPC) is issued by Natural England after the governing body has measured the impact of the proposed development on GCN and assessed the cost for compensating the impact (through new or improved ponds). In this instance an IACPC has been issued and signed by both parties (the second party being Natural England), and an enquiry to Natural

England in 2023 found the IACPC and the associated costs to still be valid for this application.

Field Surveys

3.7 A UK Habitat Classification ('UKHab') survey was carried out in fine and dry weather conditions on 17 February 2023 by Jeff Turton ACIEEM, FISC[1] Level 3, encompassing the Site and immediately adjacent habitats that could be viewed. An update HCA was undertaken at a more suitable time of year for grassland habitats on 02 June 2023 by Kate Wolsteholme ACIEEM, FISC Level 4.

3.8 UKHab is a unified and comprehensive system for mapping and classifying habitats, designed to provide a simple and robust approach to surveying and monitoring, and replaces Phase 1 Habitat survey methods. The method allows for identification of important habitat types, including habitats of Principal Importance under Section 41 (S41) of the NERC Act (2006) and Habitats Directive Annex I habitats. This method also allows for direct translation of habitats into the current Statutory Biodiversity Metric.

3.9 The following parameters were adopted for the UKHab survey undertaken for this PEA:

- UKHab Professional edition (Butcher *et al*., 2020, commercial End User Licence Agreement (EULA))
- Minimum Mappable Unit (MMU):
    - $10m^2$/0.001ha (polygons)
    - 5m (linear)
- Primary Habitats recorded to a minimum of Level 2 (see below) with UKHab codes provided
- Mandatory secondary codes used
- Base-mapping comprising a combination of aerial imagery and topographic information

3.10 Primary Habitats are recorded to a minimum of Level 2. Where the survey is conducted at an appropriate time of year (e.g. May to July for grassland) habitats may be recorded to Level 3, 4 or 5, only if conditions and the experience of the surveyor allow.

3.11 To assist with classification of grassland habitats quadrat samples were taken during UKHab survey on 02 June 2023 by Kate Wolsteholme ACIEEM, FISC Level 4. Representative sample locations were identified within each grassland parcel, spread evenly to avoid habitat transitions or ecotones, following a 'W' shape through the parcel and a covering a minimum of five sampling locations.

[1] Field Identification Skills Certificate, Botanical Society of Britain and Ireland

3.12 Identification of habitat stands were made arbitrarily by the surveyor based upon obvious habitat structure, composition or other delineating feature (e.g. field or enclosure).

3.13 Quadrats of 1m x 1m were used, repeated four times in each sample location (i.e. 2m x 2m or $4m^2$). This technique assists, for example, with distinguishing between modified (g4) and other neutral (g3c) grasslands (using the threshold of nine species per m^2, reporting an average of the four samples) and of lowland meadows (g3a) (using the threshold of 35 species per 2m x 2m samples).

3.14 Alongside the UKHab survey, additional field survey information was collected, comprising:

- Detailed floral species lists recorded for each identified habitat/parcel
- Further habitat condition information based upon current Biodiversity Metric condition assessment guidance (see CSA/4509/16)
- Evidence of, or potential for, European Protected Species (EPS) (including bats, great crested newt, dormouse and otter)
- Evidence of, or potential for, other protected species (including birds, reptiles, water vole, badger and certain invertebrates)
- Evidence of, or potential for, other notable species (including S41 Species of Principal Importance as well as notable, rare, protected or controlled plants and invertebrates)
- Any other survey information relevant to ecological matters

3.15 Results of the UKHab survey are presented on the Habitats Plan and in the Habitat Summary Table in Appendix A. Appendix D provides photographs of the habitats at the Site and Appendix E provides a list of floral species recorded in each habitat parcel. Nomenclature for higher plants within this report is consistent with the fourth edition of The New Flora of the British Isles (Stace, 2019).

Further Survey Work

3.16 The following detailed field survey work was carried out between July and September 2022, with full methods and results provided in the relevant Appendices:

- Bat Surveys (Appendix G)
- Reptile Survey (Appendix I)

3.17 The following detailed survey work was carried out between May and July 2023:

- Breeding Bird Survey (Appendix H)

Limitations

3.18 There were no specific limitations to the desk study or field survey, which was conducted at an optimum time of year and in good conditions.

3.19 A small number of insignificant limitations to the reptile survey are addressed in the relevant appendix.

Evaluation and Assessment

3.20 Ecological features are identified, evaluated and assessed in accordance with the CIEEM Guidelines for Ecological Impact Assessment (2018), with detailed methods provided in Appendix F.

3.21 It is an established principle (CIEEM, 2018) that EcIA is an iterative process. Specialist advice on the avoidance and mitigation of the potential negative effects of the proposed development has been input from an early design stage.

4.0 BASELINE ECOLOGICAL CONDITIONS

Nature Conservation Designations

Statutory

4.1 There are no statutory designations covering any part of the Site.

4.2 Four international statutory designations were identified within 10km of the Site. These were the Wye & Crundale Downs SAC (c. 5.3km north of the Site), Dungeness, Romney Marsh and Rye Bay SPA (marine component; c. 6.5km south-east of the Site) Folkestone to Etchinghill Escarpment SAC (c. 7.2km east of the Site), and Parkgate Down SAC (c. 10km north-east of the Site). Given the legislative frameworks underpinning international designations, these are considered to be important at the International level.

4.3 Additionally, although the Stodmarsh SPA/SAC/Ramsar is situated in excess of 23km from the Site, the Site falls within the Upper Stour Catchment which feeds into Stodmarsh, which is primarily designated for its wetland features (see Table 1 below). New residential development which would result in surface or wastewater discharges into the Stour catchment upstream of Stodmarsh have the potential to result in nutrient enrichment (from nitrates and phosphates). As identified within Natural England's 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites' (November, 2020), impact avoidance and mitigation measures are therefore required; as discussed within Section 5 of this report.

4.4 Two national statutory designations were identified within 3km of the Site. These were the Gibbons Brook SSSI (c. 1.3km east of the Site) and Otterpool Quarry SSSI (c. 1.8km south-east of the Site). Otterpool Quarry is designated for geomorphological reasons and is therefore not considered further. As SSSIs are administered and designated under national legislation, these sites are considered to be important at the National level.

4.5 These statutory designations are described in Table 1 below.

Non-Statutory

4.6 One non-statutory designation was identified within 2km of the Site. This was the Harringe Brooks Wood LWS (c. 1.4km south of the Site). This non-statutory designation is described in Table 1 below.

4.7 As LWS's are designated according to criteria applied in a county context, these sites are considered to be ecologically important at the County level.

Table 1. Statutory and non-statutory designations within search radii

Site Name & Designation	Distance & Direction from Survey Area	Special Interests or Qualifying Features
International Designations within Zone of Influence (ZoI)		
Stodmarsh SPA	c. 23.1km north-east	The site supports the following bird species which are qualifying features: • Bittern (Non-Breeding); • Gadwall (Breeding and Non-Breeding); • Hen Harrier (Non-Breeding); • Shoveler (Non-Breeding); • Breeding bird assemblage; and • Waterbird assemblage.
Stodmarsh Ramsar	c. 23.1km north-east	The Stodmarsh Ramsar site is designated, under Criteria 2 of the Ramsar Convention, for: • Wetland invertebrate assemblage; • Wetland plant assemblage; • Assemblage of rare wetland birds; • Bearded tit *Panurus biarmicus* populations (Breeding and Wintering); • Bittern *Botaurus stellaris* (Wintering); • Gadwall *Mareca strepera* (Breeding and Wintering); • Hen Harrier *Circus cyaneus* (Wintering); and • Shoveler *Spatula clypeata* (Wintering).
Stodmarsh SAC	c. 23.1km north-east	Is designated for a population of Desmoulin's whorl snail *Vertigo moulinsiana*, a species restricted to calcareous wetlands.
International Designations within 10km		
Wye and Crundale Downs SAC	c. 5.3km north	c. 111ha semi-natural dry grassland and scrubland. It is an important site for orchids and other rare plants, and recognised for its assemblage of invertebrates, including supporting one of the only two British populations of the Black veined moth.
Dungeness, Romney Marsh and Ray Bay SPA (marine components)	c. 6.5km south	c. 38,500ha marine habitat off the coast of Bexhill to Dymchurch. Habitat for nationally important populations of overwintering and breeding coastal birds.
Folkestone to Etchinghill Escarpment SAC	7.2km east	c.187 ha of important unimproved chalk downland in Kent. It is a semi-natural dry grassland and scrubland, and is an important site for orchids and other rare plants, and has an extensive lichen assemblage.
Parkgate Down SAC	c. 10km north-east	c. 6.92 ha of semi-natural dry grassland and scrubland on calcareous substrates and is an important site for orchids.
National Designations within 3km		
Gibbons Brook SSSI	c. 1.5km east	c. 16.6ha marshy grassland on peaty soils, developed from an acidic valley bog and still retained many features characteristic of a bog. Notable for invertebrate assemblage, particularly moths.
Non-statutory Designations within 2km		
Harringe Brooks Wood LWS	c. 1.4km south	c. 33ha of woodland containing a lake and large pond which support a diverse assemblage of wildlife.

Ancient Woodland

4.8 There is no ancient woodland covering any part of the Site or immediately adjacent land. There are two areas of ancient woodland within 1km of the Site. This woodland is found on land off Moorstock Lane, c. 280m north of the Site and a small section of Great Priory Wood c. 1km north-east. No trees on or adjacent to Site are listed on the Ancient Tree Inventory.

Habitats and Flora

4.9 Habitats recorded on-site are illustrated in Appendix A and D with detailed species lists provided in Appendix E. Relevant UKHab codes are provided within parentheses for each habitat type recorded e.g. Other Neutral Grassland (g3c).

4.10 The biodiversity value of baseline habitat units has been determined through assessment using the Statutory Biodiversity Metric, and details of the condition of each habitat in BNG terms is provided in the BNG report (CSA/4509/16).

Notable Flora Records

4.11 The KMBRC provided 75 records of 19 notable plant species from within the search area. Those most notable and of potential relevance to the Site include orchids such as bee orchid *Ophrys apifera* and greater butterfly orchid *Platanthera chlorantha*. The grassland on the east and western part of the Site (F2.1 and F2.2; Appendix A) could support these species, especially if the soils were alkaline. No records were returned of protected or notable plant species within the Site.

4.12 Six records of Schedule 9 invasive plant species were returned within the search area. None of these pertain to the Site and none were recorded during the Site survey. No invasive non-native plant species were identified during any subsequent visits to the Site.

Grassland

4.13 The grassland around 'Grove House' consists of grazed pasture of differing condition and classification and has been split here into F1, F2.1 and F2.2 (see Appendix A) as described below.

Other Lowland Acid Grassland (g1d) with Tall Herb (16) & Grazing (58)

F1

4.14 The land to the west of Grove House is atop a gently graded slope which rises to the south. The grassland is interspersed with scattered mature trees but is otherwise open and exposed. At the time of the survey the Site was subject to light grazing by sheep, but the sward had grown to a height of c. 30cm tall in places. The most abundant grass species within this habitat are common bent *Agrostis capillaris*, sheep's fescue *Festuca ovina* and Yorkshire fog *Holcus lanatus.* Sweet vernal grass *Anthoxanthum odoratum* and perennial rye *Lolium perenne* are also found frequently across the sward. Common sorrel *Rumex acetosa,* field

woodrush *Luzula campestris*, common mouse-ear *Cerastium fontanum* and common nettle *Urtica dioica* are found occasionally to rarely. The lack of forb species is notable. Bird's-foot-trefoil *Lotus corniculatus* and bulbous buttercup *Ranunculin bulbosus* were found here rarely.

Other Neutral Grassland (g3c) with Tall Herb (16) and Grazing (58)

F2.1

4.15 The land to the east of Grove house is separated from F1 by a gravel driveway leading to Grove House and a narrow access track found to the south of Grove House. This grassland was between c. 30-60cm tall and had become rank in places with previous year's growth. It was ungrazed at the time of the survey but has been grazed in recent years. There were some patchy areas of bare ground and shorter swards, possibly caused by livestock or wild mammals such as rabbits. This grassland has abundant Yorkshire fog, perennial ryegrass and creeping buttercup *Ranunculus repens,* with occasional creeping bent. The sward here is richer in forbs although not notably so. It contains frequent ragwort *Senecio jacobaea*, common nettle, spear thistle *Cirsium vulgare* and ground ivy *Glechoma hedeacea*. Cut-leaved cranesbill *Geranium dissectum* was found rarely.

Other Neutral Grassland (g3c) with Tall Herb (16) and Ruderal / Ephemeral (17)

F2.2

4.16 The small strip of land to the south of 'Grove House' forms a narrow corridor of un-grazed vegetation consisting predominantly of tall herbs and other colonising vegetation, with the sward ranging from c. 0.1m – 1m. There are signs of vehicle tracks and compacted ground through the centre of the grassland, creating areas of bare ground. The grassland is overshadowed by the canopy of trees to the north that form part of a line of trees within the off-Site 'Grove House' area. There are few grass species present, although Yorkshire fog and perennial rye were abundant throughout the survey plots. The grassland has abundant pendulous sedge *Carex pendula,* common nettle and burdock *Arctium sp.,* with occasional creeping buttercup, broadleaved plantain *Plantago major,* green alkanet *Pentaglottis sempervirens*, and ground ivy.

4.17 The 'other lowland acid grassland' and 'other neutral grassland' are likely to be found less frequently in the surrounding landscape, which consists primarily of intensively managed mixed arable and pasture farmland. As such, these two grassland types are considered to be important to the Local level and are taken through to further assessment.

Boundary Features

4.18 The boundaries of the fields on Site contain a variety of boundary features, as described in Table 2 below. The location and indicative length of each hedgerow is shown on the Habitats Plan at Appendix A.

4.19 H5 is the only hedgerow to be regarded as species rich (5+ native woody species). None of the hedgerows detailed in Table 2 are considered likely to be 'important' under the Hedgerow Regulations 1997, although no formal assessment has been undertaken.

4.20 The boundary features around the Site are of ecological significance as they hold intrinsic value to foraging/dispersing wildlife. In some cases, these boundary features contain old trees with roosting/nesting potential. Hedgerows and lines of trees are also somewhat lacking in the wider landscape due to intensive farming practices. All hedgerows "consisting predominantly (i.e. 80% or more cover) of at least one woody UK native species" are covered by the UK S41 Priority Habitat 'Hedgerows' under the NERC Act 2006 and are a Local Biodiversity Action Plan (LBAP) priority habitat in Kent. Taken together, the on-Site boundary features are of ecological importance significant at the Local level.

Table 2. Descriptions of Boundary Features

Boundary Type/ Number	Habitat Type	Description
Hedgerows		
H1	Native hedgerow	Dense and frequently managed, c. 1m wide x c. 2m tall with excellent continuity. Beech *Fagus sylvatica* is the dominate component, with bramble and honeysuckle *Lonicera periclymenum* frequently encountered along its length, and hawthorn and holly *Ilex aquifolium* infrequently observed.
H2	Native hedgerow	Grown out in places, is c. 1m tall and has multiple breaks at least 1m long along its length. Signs of heavy flailing were noted. The main hedge constituent is hawthorn. Sycamore and ash *Fraxinus excelsior* are frequently encountered with one or two elder stands occurring.
H3	Native hedgerow with trees	A shorter section of treeline, c. 50m, that contains mature and semi-mature trees include, primarily of sycamore and ash, but hybrid black poplar *Populus x canadensis* and pedunculate oak are present also. The boundary contains many gaps of at least c. 2m. There is a shrub layer which includes hawthorn alongside ash and sycamore and wych elm *Ulmus glabra*.
H4	Native hedgerow with trees	An extensive hedgerow that contains mature and semi-mature trees include, primarily of sycamore and ash, but hybrid black poplar *Populus x canadensis* and pedunculate oak are present also. The boundary contains many gaps of at least c. 2m. There is a shrub layer which includes hawthorn alongside ash and sycamore and wych elm *Ulmus glabra*.
H5 (off-Site)	Native hedgerow with trees (species rich)	Encloses the garden of 'Grove House' and, as such, includes several species associated with gardens such as bamboo *Bambuseae sp.* Which is abundant. Cherry laurel *Prunus laurocerasus* and tree-of-heaven *Ailanthus altissima* are also encountered. Crack willow *Salix fragilis* is also present along with hawthorn, sycamore, elder and ash. Hornbeam *Carpinus betulus*, holm oak *Quercus ilex* and sweet chestnut *Castanea sativa* are also infrequently encountered.

Treelines		
LT1	Line of Trees	Three mature ash trees, each with hollowing stems and other forms of storm damage and/or dieback. There is an understorey of sparse hawthorn and blackthorn.

Scattered Trees

4.21 There are a range of scattered trees at the boundaries of the Site compartments which are a mix of ages. There is a collection of scattered trees in the central and southern extent of the Site, near the 'Grove House' estate.

4.22 Some trees (T40, T59, T60, T63 and T71 on the Arboricultural Impact Assessment (AIA; CSA/4509/112) are lapsed pollard trees and have features associated with veteran trees, such as decayed and hollowed stems, open cavities, exposed surface roots, and dry crevices. Due to their small stem girths none of these trees have been assessed as ancient or veteran but four of the trees (excluding T63) are considered to be 'locally notable'. All the above trees are common ash and are showing signs of ash dieback disease. This will significantly shorten their lives and the trees will not reach veterancy, but will still be of ecological value as standing deadwood.

4.23 One tree (sweet chestnut, TN1 on the Habitats Plan, Photograph 4 on the Photosheet in Appendix D, T55 in the AIA) has the stem girth to be categorised as 'ancient' (girth 6.25m). T55 also exhibits a basal decay cavity, bark loss, natural stem/branch fractures and decay cavities and bark loss within the crown. As such, T55 has also been categorised as 'veteran'. Veteran trees are irreplaceable habitats under paragraph 180c of the NPPF.

4.24 Two horse chestnuts (T35 and T36 on the Tree Survey report) are of note due to being two of the largest trees on Site and for their visual amenity and landscape value.

4.25 Tree species within this category include: Pedunculate oak, wild cherry *Prunus avium,* copper beech *Fagus sylvatica f. purpurea*, hazel, common beech *Fagus sylvatica*, Swedish whitebeam *Sorbus* x *intermedia,* hawthorn, crack willow, sweet chestnut, horse chestnut, hornbeam, blackthorn, sycamore and hybrid black poplar.

4.26 The trees which constitute the scattered trees on Site mostly consist of common and widespread species within the local landscape, with the exception of the hybrid / ornamental species: copper beech, Swedish whitebeam and hybrid black poplar. However, due to their advanced age, structure and features, they are concluded to be important at the Local level and are taken through to further assessment.

Ponds

4.27 One waterbody is present on-Site; P1, as shown on the Habitats Plan (Appendix A) and Pond Plan (Appendix J). However, P1 is only partially on-Site with the remainder in the grounds of Grove House. The pond was

dry at the time of the survey and heavily shaded by canopy cover with no notable vegetation.

4.28 Although there is a relatively large number of ponds in the local area, ponds have a high intrinsic ecological value, with the ability to support a wide range of fauna. Therefore, the on-Site pond is considered to be important at the Local level.

Fauna

Bats

4.29 A total of 413 bat records were identified within the search area, dating from 1983 to 2020, 91 of which were of roosts. Records of roosting bats include the following species: common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, noctule *Nyctalus noctula*, brown long-eared *Plecotus auritus*, serotine *Eptesicus serotinus* and *Myotis spp.* The closest record of a roost is of an unknown bat c. 0.3km west from the Site in 1991 and was identified through droppings present only. The closest records of bat activity centre around an area c. 1km north of the Site and pertain to common and soprano pipistrelle, brown long-eared bats and *Myotis spp.*

2019 Preliminary Roost Assessment – Trees

4.30 A full assessment of the on-Site trees in and around the field compartments surrounding Grove House to determine bat roost potential was undertaken on 11 November 2019. At the time of the survey in 2019, 18 trees in this part of the Site were found to provide potential roosting features (PRF) for bats. Details of all trees found to be of above 'negligible' potential for roosting bats in 2019 are given in Appendix K. The potential for these trees to support roosting bats is not expected to have changed significantly in the intervening time and no significant changes to the trees were noted during the Site survey. Furthermore, the habitats on Site, particularly the boundaries and the trees, provide foraging opportunities. This survey data was not updated in 2022-23 as no significant changes to the trees on Site had occurred in the intervening time, and the features noted in 2019 develop very slowly over time.

Bat Activity Surveys

4.31 A relatively common assemblage of bat species has been recorded across the Site, with low numbers of rarer species recorded such as *Myotis* species. Common pipistrelle bats accounted for the majority of bat contacts. Hotspots of activity have been identified within the north-east of the Site, where habitats including mature treelines and scattered trees provide suitable foraging opportunities and key flight lines, while less frequent activity has been recorded across the remainder of the Site. Following the results of the further surveys, the bat assemblage at the Site is considered to be important at the Local level.

Badger

4.32 The KMBRC have provided nine records of badger *Meles meles* from within the search area, dating from 1983 to 2017. The closest record is c. 130m north-west from the Site and was from 2006.

4.33 No badgers or active badger setts were found on-Site during the habitat survey. The on-Site hedgerows, treelines and pasture on-Site, and in the surrounding landscape provide suitable habitat for foraging badger and sett digging.

4.34 Given the findings above, it is considered likely that badgers will forage on-Site occasionally. Badgers are common and widespread and of no local or national conservation concern, so their presence on-Site is considered to be important at no more than Site level. However, badgers and their setts are protected under the Protection of Badgers Act 1992 and will be considered further in terms of their legal protection.

Dormouse

4.35 One record of a dormouse *Muscardinus avellanarius* was identified within the search area, dating from 2000. An inaccurate grid reference was given for this record so information regarding how close this record is to the Site cannot be given.

4.36 The Site has low potential for dormice along the boundaries of the Site, with favoured species such as hawthorn present and intermittent mature trees. However, the majority of the hedgerows are defunct and lack connectivity to the wider landscape.

4.37 Furthermore, dormouse surveys were undertaken of the boundaries around the land at Potten Farm site, adjacent to the applicant Site at monthly intervals during July – October 2021, with the last survey visit in May 2022. No dormice or evidence of dormice were found. As such dormice are considered likely absent on the Site and are scoped out of further assessment. The Site was not surveyed in 2021 due to the poor connectivity to areas of suitable habitat (with defunct hedgerows providing the only potential connectivity) and no recent records within 2km (including the 2021 study).

Water Vole

4.38 A total of four records of water vole *Arvicola amphibius* were identified within the search area, dating from 1998 to 2011. The closest record is c. 1.2km north-west from the Site, recorded in 2011.

4.39 No riparian habitats are present and the habitats on Site are not considered to provide suitable conditions for water vole.

Otter

4.40 A total of three records of otter *Lutra lutra* were identified within the search area, dating from 1972. An inaccurate grid reference was given

for this record so information regarding the proximity within 2km of the Site cannot be obtained.

4.41 The habitats present on Site are not considered to provide suitable conditions for otter.

Other Mammals

4.42 Mammal holes were noted at the Site boundaries here in multiple locations and were considered likely to be occupied by rabbits *Oryctolagus cuniculus* at the time of the survey.

Hedgehog

4.43 A total of ten records of hedgehog *Erinaceus europaeus* were identified within the search area between 1964 and 2006, the closest record from c. 130m north-west of the Site in 2006.

4.44 No evidence of hedgehog was recorded during the site survey. The majority of on-Site habitats are of limited suitability for this species; however, the field margins, hedgerows and adjacent garden and woodland habitats provide suitable shelter, foraging and dispersal opportunities.

4.45 Hedgehogs, a Section 41 species, are known to use a multitude of habitat types. Hedgerows, dense scrub and woodland are preferred habitats of hedgehogs for nesting and they often forage in grassland habitats, such as those found at the Site. Hedgehogs are generally quite widespread, and so likely to use the suitable habitats on-Site. The hedgerows, situated in a relatively rural local landscape, are likely to provide opportunities for shelter, foraging and dispersal. It is considered that hedgehogs could make use of habitat resources present on-Site, with any population present likely to be important to the Local level, due to their status as an S41 species.

Birds

4.46 A summary of 100 species, totalling 596 records was provided for the search area, with the nearest records dated between 1972 to 2019. Those of potential relevance to the Site include dunnock *Prunella modularis*, starling *Sturnus vulgaris*, house sparrow *Sturnus vulgaris*, linnet *Lanaria cannabina* and turtle dove *Streptopelia turtur.*

4.47 No evidence of breeding birds was observed on-Site during the Site habitat survey; although hedgerow and trees present are likely to offer some nesting and foraging opportunities for widespread species.

4.48 Four monthly breeding bird surveys were undertaken at the Site between May – July 2023. A total of 28 species were recorded, 26 of which were considered to be breeding species and 13 of those are 'priority species' under S41 of the NERC. The majority of recorded species are typically found in hedgerow, scrub and domestic garden habitats, although, linnets were recorded passing over the Site which are a notable farmland bird and are 'red listed' under the Bird of Conservation

Concern red list species (Stanbury *et al*, 2021). Full methods and results are provided in Appendix I. As 28 species have been recorded as breeding at the Site, the breeding bird assemblage is assessed to be of Local importance under Fuller (1980).

4.49 The Site is not considered to contain habitat suitable for notable wintering birds, and as such wintering bird surveys were not carried out.

Reptiles

4.50 A total of 22 records of four reptile species were identified within the search area including slow worm *Anguis fragilis*, common lizard *Zootoca vivipara,* grass snake *Natrix natrix (syn, N. helvetica)* and adder *Vipera berus.*

4.51 The closest records unobstructed by the M20 are of a grass snake and an adder, which were given to a 1km grid-reference east of the Site. Although there is a network of hedgerows in the area, there is limited habitat connectivity to this record; which is likely to be attributed to land on the opposite side of the A20 Ashford Road.

4.52 No evidence of reptiles was found on the Site during the habitat Surveys, but the grasslands on Site were considered to have the potential to support reptile populations. Reptile surveys were carried out in September 2022. No reptiles or evidence of reptiles were found.

4.53 However, the arable field at the adjacent land at Potten Farm site to the south and west (to which the Site has direct connectivity) was considered to provide some limited opportunities for reptiles at the field margins, and as such these areas were subject to a reptile survey in 2023. These surveys resulted in peak counts of ten common lizard, one slow worm and two grass snakes. The slow worm and grass snake populations were assessed to be a 'low' in size, while the common lizard population was assessed to be of 'good' size (against Froglife, 1999).No resident reptile population has been recorded on Site, and as such reptiles on Site are considered to be of less than Local level importance. However, it is acknowledged that reptiles may disperse into suitable areas of marginal habitat from the neighbouring site and as such reptiles have been included in further assessment. Full methods and results of the survey are provided in Appendix I.

Amphibians

4.54 A total of 103 records of five native amphibian species were identified within the search area, including common toad *Bufo bufo*, common frog *Rana temporaria,* palmate newt *Lissotriton helveticus*, smooth newt *Lissotriton vulgaris* and great crested newt *Triturus cristatus.* The closest records are of common toad and common frog c. 0.4km east of the Site.

4.55 Three records of the non-native marsh frog *Pelophylax ridibundus* were returned, located c. 1.4km south-west of the site. However, these were located on the opposite side of the M20.

4.56 The Site may provide some opportunities for 'other' amphibian species (as discussed in relation to GCN below), and as such their presence is assumed. Populations of these more common amphibian species would be of less than Local level importance.

4.57 A more detailed appraisal of the Site in respect of great crested newt is provided below.

Great Crested Newt

4.58 A total of 34 records of great crested newts were identified within the search area. The closest records provided by KMBRC are at Gibbin's Brook c. 1.8km east of the site in 2011, on the opposite side of the A20 Ashford Road.

4.59 Despite spending much of their annual lifecycle within the terrestrial environment, great crested newts (and other amphibian species) are dependent upon the presence of suitable aquatic breeding habitat in order for a population to persist. One potential breeding pond was identified on-Site during the site survey, while a further seven appear to be present within a 250m radii of the Site, based on OS mapping.

4.60 The Site has some potential to support GCN (and other amphibian species) through the presence of on-Site and nearby unobstructed ponds (see the Pond Plan, Appendix J. The terrestrial habitat on Site is divided in suitability as resting habitat. All grassland areas on Site are suitable for GCN / other amphibians. Given the proximity of ponds, GCN may disperse across any part of the Site and may use field margins and hedgerow bases beyond the Site when moving between ponds within the wider landscape. Given the number of records locally and the suitability of on-Site habitats, and connectivity to off-Site suitable habitat, GCN are likely to be present on Site.

4.61 Ecological reports produced in relation to the land adjacent to the east, where development was consented (planning reference Y14/0873/SH) (Ecology Solutions, 2014 and 2018), identify that GCN have been found on the Site and on the land directly adjacent to the east in recent years. GCN surveys were initially carried out by Ecology Solutions in 2013, relating to the land to the east, within which GCN were found in six of ten ponds and ditches surveyed in and around the Site. The reports state clearly that GCN were found in Pond P10 in 2013 but is unclear in defining exactly which ponds GCN were found to be present in the wider landscape. One of these ponds was also confirmed as a breeding pond, but again it is unclear which.

4.62 Update surveys in 2016 (Ecology Solutions) found that Pond P10 had become unsuitable for GCN, although GCN were found in five of the nearby ponds. It appears that this pond now no longer exists due to the development to the east.

4.63 The neighbouring application site has undergone a GCN translocation under licence from Natural England. It is understood that a c.0.12ha

tussocky meadow receptor area was created at the eastern end of that site, around an on-site pond with three GCN hibernacula (Pond P11 on the Pond Plan).

4.64 The on-Site pond, ponds adjacent to the Site on the land at Potten Farm site, and four off-Site ponds which could be viewed from the Site/public right of way (ProW) were subject to a Habitat Suitability Index (HSI) assessment in 2019. The resulting HSI scores for those ponds was 'poor' to 'below average', but they were assessed at a sub-optimal time of year when some aquatic vegetation would not have been showing. The results of the HSI assessment, which are not expected to have changed significantly since 2019, are provided in Table 3 below and on the Pond Plan in Appendix J.

Table 3. Results of his 2019 HSI assessment

Pond no.	GCN present 2013	GCN present 2016	2019 suitability (HSI)
1 (on-Site)	**Yes**	**Yes**	**Poor (confirmed 2023)**
2	Yes	Yes	Below average (confirmed 2023)
3	Yes	Yes	Poor
4	Yes	Yes	Below average
5	Yes	Yes	Poor (confirmed 2023)
6	Yes	Yes	No access (confirmed 2023)
7	Yes	Yes	No access
8	Not surveyed	Not surveyed	No access
9	Not surveyed	Not surveyed	No access
10	Yes	No	No access
11	No	No	No access

4.65 Taking a precautionary approach, it is assumed that GCN are likely to be using aquatic and terrestrial habitat on-Site, with a low population class size likely. This would be equivalent of at least Local level importance in this region (where GCN are fairly common and widespread).

Invertebrates

4.66 Records attributed to a range of invertebrate species were identified within the search area, including multiple beetles, bumblebees and butterflies that are considered to be rare or under recorded in Kent. The Site is within the Kent Coast and Downs Important Invertebrate Area (Buglife, 2022).

4.67 Habitats present within the survey area are common and widespread and the adjacent arable habitats off-site are likely subjected to pesticide use, and as such the potential for a notable invertebrate community to be present is considered low. However, the mature and veteran trees around and within the Site provide deadwood habitat that could support a range of beetle species, including stag beetle *Lucanus*

cervus larvae, but no records of stag beetle were returned. The Invertebrate assemblage at the Site is not considered likely to be of more than Site importance; invertebrates are not considered further within this assessment.

Future Baseline

4.68 The Site is presently under active sheep grazing management, including the periodic cutting of field margins and hedgerows. The management interventions maintain the on-Site conditions in a relatively stable state. There is no known intention to cease this management, other than to accommodate the proposed development should planning permission be granted. As such, the future baseline status of important ecological features is not anticipated to vary significantly from that at present.

Summary of Ecological Features

4.69 Table 2 below summarises all important ecological features identified within the respective zones of influence, together with the geographic context of their importance:

Table 2. Summary of important ecological features and their geographic context

Ecological Feature	Geographic Context of Importance and/or Protection Status
Stodmarsh SAC/SPA/Ramsar	International
Wye & Crundale Downs SAC	International
Dungeness, Romney Marsh and Rye Bay SPA (marine component)	International
Folkestone to Etchinghill Escarpment SAC	International
Parkgate Down SAC	International
Gibbons Brook SSSI	National
Harringe Brooks Wood LWS	County
Other lowland acid grassland	Local
Other neutral grassland	Local
Hedgerows & treelines	Local
Scattered trees	Local
Ponds	Local
Bats	Local
Badger	Protected (Badger Act; presence assumed)
Hedgehog	Local (presence assumed)
Breeding birds	Local
Reptiles	Site – Local
GCN	Local

5.0 ASSESSMENT OF EFFECTS

The Proposed Development

5.1 Outline planning permission is sought for residential development at the Site. The following impact assessment is based on the Development Framework Plan prepared by CSA Environmental (CSA/4509/122) on behalf of Gladman Developments.

5.2 The construction phase of the proposed development will comprise the following:

- Removal of a section of hedgerow from H4 (c. 20m) for vehicular and pedestrian accesses
- Construction of up to c. 54 residential dwellings
- Construction of associated gardens, parking, access infrastructure, and a play area
- The establishment of Public Open Space (POS) totalling c. 1.06ha, including open grassland and a children's play area, concentrated at the southern and eastern extent of the Site, as well as recreation routes around the periphery of residential areas
- Establishment of a Sustainable Urban Drainage System (SUDS), proposed to be an attenuation basin set within grassland to the north of the developed area

5.3 The operational phase of the proposed development will comprise the following:

- Occupation of new residential dwellings
- Increase in human activity, including use of vehicles and presence of domestic pets
- Increased artificial lighting and anthropogenic noise

Assumptions

5.4 The following assumptions have been made during the assessment of potential effects of the proposed development on important ecological features. Although 'assumed' and therefore taken as part of the pre-mitigation scenario, these measures are referenced in the proceeding sections where integral to the mitigation strategy.

5.5 In accordance with BS42020:2013, it is assumed that a Construction Environmental Management Plan (CEMP) will be secured by planning condition and prepared at the detailed design stage. In addition to the construction phase impact avoidance and mitigation measures identified in the following sections, the CEMP will detail standard environmental control measures, including though not limited to the following:

- Implementation of strict protection measures for the root protection areas of retained trees and hedgerows, in accordance with BS5837:2012
- Standard best practice construction phase pollution prevention and control measures
- Sensitive working methods and timing to avoid direct impacts to nesting birds (generally vegetation removal outside nesting season of March through August)
- All working measures needed to comply with the terms of EPS derogation licencing specific to the development phase or works activity
- Updated ecological surveys, where necessary, to identify shifts in the baseline ecological condition (such as to support EPS derogation licence applications) in order that revised impact avoidance and mitigation measures can be adopted as required

5.6 In accordance with BS42020:2013, it is assumed that a Landscape and Ecology Management Plan (LEMP) will be secured by planning condition and prepared at the detailed design stage. The LEMP will set out measures for the establishment and long-term management of newly created and retained habitats to maximise benefits for biodiversity.

Potential Impacts and Ecological Effects

Internationally Designated Sites

5.7 Four internationally designated wildlife sites are present within 10km of the Site: Wye and Crundale Downs SAC (c. 5.3km north of the Site), Dungeness, Romney Marsh and Rye Bay SPA (marine components) (c. 6.5km south-east of the Site), Folkestone to Etchinghill Escarpment SAC (c. 7.2km east of the Site) and Parkgate Down SAC (c. 10km north-east of the Site). These sites have been considered with regard to impacts from the proposed development. Although no direct impacts to these sites are anticipated to arise from construction or operational activities, they were assessed for their susceptibility to indirect adverse effects, such as through increased visitor pressure and atmospheric pollution arising from increased traffic. Such potential effects are discussed in outline herein with further detail within the Information to Inform Habitats Regulations Assessment (CSA/4509/04).

5.8 Disturbance through increased visitor pressure is considered unlikely to have any effect due to the distance of the designations from the Site and the provision of a significant area of informal POS within the application Site and the adjacent land at Potten Farm site, which will provide amenity resources. In the case of the designations at Dungeness, recreational impacts arising from development, including when considered in combination with other development in the surround area, are further mitigated through a Sustainable Access and

Recreational Management Strategy (SARMS) although the Site is outside of the strategy catchment. As such, the proposed development is not considered to result in likely significant effects on these international designations alone or in combination (as it is outside of the catchment).

5.9 A Traffic Impact Assessment was carried out by Ashley Helme Associates in September 2022. This assessment concluded the increase in traffic expected as a result of the proposed development would have a negligible/nil impact on the roads identified within 200m of the SACs identified within 10km that are vulnerable to the effects of changes in air quality, most of which are rural in character. It is anticipated that most traffic arising from the proposed development will use the A20 and M20 between Folkestone and Ashford and is not anticipated to exceed the daily variation of traffic flow on this route. No likely significant effect is therefore anticipated.

5.10 Although Stodmarsh SPA/SAC/Ramsar is situated in excess of c. 23km of the Site, the Site falls within the Upper Stour catchment upstream of Stodmarsh. In line with guidance provided by Natural England (November, 2020), development which will result in discharges of foul water and surface runoff into the Stour catchment, upstream of Stodmarsh raises concerns regarding the possible effects of increased nitrate and phosphate levels resulting in an adverse effect on the integrity of qualifying feature of the Stodmarsh designations.

5.11 As such, mitigation is required to avoid an adverse effect on the integrity of these designations and this is required to be demonstrated through Appropriate Assessment to satisfy the Habitats Regulations 2017, as detailed within the accompanying Information to Inform Habitats Regulations Assessment (CSA/4509/04). No adverse effect on the integrity of the designations has been concluded subject to the proposed mitigation measures being secured.

Nationally Designated Sites

5.12 Gibbin's Brook SSSI is the only nationally important designation within 3km of the Site which has been designated for biological reasons. Development of the Site is not predicted to have any direct impact on the Gibbin's Brook SSSI designation as the Site is separated from this designation by a distance in excess of 1.5km and potential construction impacts to the biological interest features of the SSSI are not anticipated. However, there is potential for indirect impacts such as disturbance from increased visitor pressure arising from new residential development. This is considered unlikely to have a significant effect due to provision of significant areas of informal POS within and around the application Site as outlined above. No likely significant adverse effects are anticipated on the Gibbin's Brook SSSI.

Non-Statutory Designations

5.13 Harringe Brooks Wood LWS lies c. 1.6km south of the Site and consists of woodland and a freshwater lake and large pond. Development of the Site is not predicted to have any direct impact on the Harringe Brooks Wood LWS as the Site is separated from this designation by a distance in excess of 1.6km. Disturbance from increased visitor pressure arising from new residential development is a potential indirect impact, although there are no official ProW through the LWS, according to OS Maps. In any case, this is considered unlikely to have a significant effect due to provision of significant areas of informal POS within and around the application Site as outlined above. No likely significant adverse effects are anticipated on the Harringe Brooks Wood LWS.

Other Lowland Acid Grassland

5.14 The DFP demonstrates that a large proportion of the lowland acid grassland on-Site (c. 1.70ha) is proposed to be lost to facilitate the development. This impact is considered to represent a significant effect on this habitat resource at the Site level.

Other Neutral Grassland

5.15 The DFP shows that all of F2.1 can be retained as Public Open Space, and as such potential negative impacts on this habitat are considered to be minor, i.e. restricted to minor erosion from foot traffic. Overall, the impact on this area is likely to be positive, as it is considered possible to enhance this area (in BNG terms) through favourable management. This would be an impact at the Site level.

5.16 The DFP shows that the other neutral grassland strip at the south-east of the Site will likely be used as a pedestrian access point and therefore will be subject to mowing/management and erosion from public use. Furthermore, plans to develop this area (i.e. such as the construction of a hard-standing surface or destructive means of making the ground safer for pedestrian use) may come forward at the detailed design stage. As such, for the purposes of this EcIA and for the BNG calculations (See CSA/4509/16) it has been assumed that this c.0.02ha of this habitat will be lost to the development. This impact is considered to represent a significant effect on this habitat resource at the Site level.

Hedgerows, Treelines and Scattered Trees

5.17 As referenced under Assumptions, suitable protective fencing will be erected around all retained on-site hedgerows, treelines and trees in accordance with BS 5837:2005, therefore avoiding direct impacts during the construction phase to retained features.

5.18 The Development Framework Plan (CSA/4509/122) demonstrates that the significant majority of the on-site hedgerows and trees can be retained alongside development, with some removal from hedgerow H4

required to facilitate the new vehicular and pedestrian access. This impact is considered to represent a significant negative effect on this habitat at no more than the Site level.

5.19 It is anticipated that one ash tree (T71) will require removal to enable the construction of the attenuation basin at the north of the Site. This impact is considered to represent a significant negative effect on this habitat at no more than the Site level.

Ponds

5.20 The pond on-Site is to be retained and as such this habitat resource will be preserved. However, the retained pond may be vulnerable to damage, disturbance and pollution during construction from passing construction traffic, significant at the Site level.

Bats

5.21 All species of British bats are legally protected under part 3 (section 41) of the Conservation of Habitats and Species Regulations 2017 (as amended) and are adopted as S41 Species in respect of the NERC Act 2006.

5.22 The assemblage of bats recorded at the Site is dominated by more common and widespread bat species (e.g. *Pipistrellus* sp.), with activity from rarer species (e.g. Myotis sp.) being low / less frequent. During transect surveys bats were generally recorded using the hedgerow habitats at the Site and a concentrated area of scattered trees that surround Grove House. Particular hot spots were noted along the eastern and northern boundaries (along H3, H4 andH5), although overall activity levels along these boundaries (and the Site as a whole) were considered low.

5.23 The majority of linear features such as hedgerows will be retained in full and enhanced as part of the proposed development, with the exception of the permanent removal of a small section of hedgerow H4 to facilitate new vehicular and pedestrian access. This has the potential to result, in the absence of mitigation, in minor losses to bat foraging habitat significant to the Site level.

5.24 One ash tree located at the north of the Site (T71) is anticipated to require removal to facilitate the construction of an attenuation basin as part of the drainage infrastructure. This tree was assessed to have 'moderate' bat roost potential in 2019 due to a hollow stem with cracks and crevices, and holes leading up into leading stems. Two emergence surveys were undertaken of this tree in September 2023 (see Appendix G). No roosts were recorded. As such, the removal of this tree would constitute an adverse effect significant less than Local level.

5.25 During the operational phase, ambient light levels could be increased due to artificial street lighting. However, a large area of public open

space and a SUDs are to be provided in the northern and eastern extents of the Site; which it is anticipated that it will not require extensive / any artificial lighting. The provision of new trees / hedgerow planting could buffer these areas of any light-spill from the main development zone to the western extent of the Site.

5.26 In the absence of mitigation, the proposed development could have an adverse impact on bats, through disruption of foraging and commuting habitat. Given the survey information gathered to date and the limited habitat loss proposed, development effects have the potential, in the absence of mitigation, to be significant at up to the Site level.

Badger

5.27 Although no active badger setts have been identified on-site, local badger populations may be present and could potentially make use of habitats at the Site to forage and dig setts in the future.

5.28 Additionally, during the construction phase, badgers could be at risk of direct impacts such as falling into open excavations or entering open ended pipework (above 150mm diameter), risking killing / injury and reducing the local population.

5.29 These potential impacts are not considered to be significant as badgers are common and widespread and are not of conservation concern. However, given the protection badgers receive under the Protection of Badgers Act 1992, appropriate precautionary measures have been set out within the 'Additional Mitigation' section below.

Breeding Birds

5.30 All wild birds, their active nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended). Habitats within the Site including hedgerows and trees provide suitable nesting opportunities for generally common and widespread bird species. The arable field adjacent west of the Site also offers potential nesting habitat for ground nesting birds, including skylark and meadow pipit. Due to the proximity of these habitats to the Site ground nesting birds have been given consideration to potential impacts.

5.31 Urban development under the proposals as shown in the DFP (CSA/4509/122) would result in the loss of some suitable nesting habitat to facilitate new vehicular and pedestrian access, including the removal of a section of hedgerow H4 (c. 20m). However, the majority of hedgerow and tree habitats will be retained for nesting species and there is the potential for additional habitat creation within the eastern and north-eastern areas of POS.

5.32 There is also the potential for increased predation from cats during the operational phase of the development. Activities such as dog-walking are particularly detrimental to ground-nesting species, and as the

'Grove House' Site is directly adjacent to the arable land within the now separate Potten Farm site, this therefore may result in increased nest abandonment.

5.33 Within the operational phase, artificial light levels are likely to increase. This may disturb birds on-Site and potentially alter their breeding and territorial behaviour and could reduce overall breeding success rates.

5.34 Taken together, and in the absence of mitigation, these impacts have the potential to negatively affect the breeding bird assemblages, and could be significant at the Site level, with the main potential impacts being related to the removal of hedgerow sections, foraging territory throughout the grassland to be removed and disturbance from residents during the operational phase of the development.

Reptiles

5.35 The Site provides some suitable habitat for reptiles in the grassland areas where the sward is longer and at the boundary hedgerows. These habitats may provide refuge to foraging/commuting reptiles as they have been recorded on land directly adjacent to the south and west. However, no reptiles were recorded within the Site over the course of the seven presence / absence surveys carried out in 2022. Low numbers of slow worm and grass snake and high numbers of common lizard were recorded during the reptile surveys undertaken at the land at Potten Farm site in 2023. Reptiles are likely utilising the shared boundary between the two sites and could use the areas of suitable habitat across the Site at other times of the year. All native British reptile species are listed within Schedule 5 of the Wildlife and Countryside Act 1981 and are afforded protection against killing and injury. In addition, all native British reptile species are Section 41 Species of Principle Importance in England.

5.36 Residential development as illustrated on the DFP would result in the loss and disturbance of potential reptile habitat at the west of the Site to facilitate the development and access routes, and has the potential to directly impact low numbers of common reptiles. The killing and injury of individual reptiles is unlawful; however, such impacts are considered unlikely to represent a significant negative effect on the viability of the local populations of reptiles.

5.37 It is expected that increased cat predation levels are likely to result in increased mortality and disturbance of individuals, with the potential to result in minor adverse impacts to populations and breeding success at the Site level.

Amphibians

5.38 Surveys carried out by Ecology Solutions for a nearby planning application (Y14/0873/SH) in 2013 and 2016 confirm that there is a small

population of GCN on and around Site, likely utilising a group of ponds in the local landscape.). The on-Site pond is to be retained (P1 partially encroaches into the off-site land surrounding Grove House). However, some potential supporting habitats are to be cleared to allow access onto Site. Development may also result in the fragmentation / isolation of ponds .

5.39 Some species of amphibian known to be in the area (local records) have a strong migratory instinct, such as the common toad (Section 41 species) and will return to ancestral breeding ponds every year. Furthermore, traditional road drainage systems which include gully pot drains pose a risk of entrapment and eventual drowning to migrating amphibians, including GCN. New roads at the Site with traditional drainage systems installed may result in increased roadkill incidents and drowning, which could result in a decreased population and reduced genetic diversity.

5.40 An increase in domestic animals, such as predatory cats, could result in disturbance and direct killing/injury leading to reduced reproductive success during the operational phase.

5.41 The above predicted effects are likely to have an adverse likely significant effect at the Local level when considered in combination.

Mitigation by Design

5.42 It is an established principle (CIEEM, 2018) that, wherever possible, potential negative effects should be avoided through 'Mitigation by Design', as this gives greater certainty over deliverability, demonstrates a well-designed scheme and ensures the correct application of the 'Mitigation Hierarchy' (as advocated by BS42020:2013, Defra 2019 and CIEEM, CIRIA & IEMA 2016).

5.43 The proposed development seeks to provide up to 54 units with associated access, roads, gardens and public open space across c. 2.95ha of land.

5.44 The proposed scheme stands to retain hedgerows as far as is possible, with minor removal from hedgerow H4 required to facilitate new vehicular access from the north. Other vehicular and pedestrian access points are utilising preexisting gaps between boundary features. The on-Site boundaries surrounding the Site will be retained and enhanced to maintain connectivity to further off-site habitats in line with Policy CSD4 of The Folkestone & Hythe District Council Core Strategy Review 2022.

5.45 The development area will be set back from the eastern extent of the Site with an area of Public Open Space (POS) being provided in this area. The DFP demonstrates that the Site can accommodate c. 1.06ha of POS, including a large area within the eastern extent of the Site.

5.46 New planting will be provided across the Site with buffer planting along the retained hedgerows. This will serve to maintain the ecological functionality of these features as well as maintain green corridors throughout the Site and the wider landscape, as well as buffer these habitats from development edge effects. New areas of wildflower planting will be provided within the southern, and eastern areas of POS, in addition to a large attenuation (SuDS) basin in the north of the Site, which could be planted with marginal plants and will provide new opportunities for a range of species including bats, reptiles (e.g. grass snake). Amphibians may use the proposed attenuation basin, although this feature is designed to collect run-off from the Site and may not provide optimal conditions for amphibians. Instead, the scheme (inclusive of Land at Potten Farm and Rotherwood Farm) has been designed to retain connectivity between the pre-existing ponds on and around the Site for the benefit of amphibians.

5.47 Further detail of the establishment and long-term management of these habitats, to maximise benefits for biodiversity, will be set out in detailed planting proposals and a Landscape and Ecology Management Plan (LEMP) at the detailed design stage.

5.48 A sensitive external lighting scheme will be prepared at the detailed design stage to minimise any further impacts above the current baseline. The future lighting scheme should be developed to avoid light spill onto night-time foraging habitats across the Site, including hedgerows, treelines and mature trees, and ensure the levels of artificial light do not exceed that present at baseline. This should be demonstrated through lux modelling.

5.49 The above prescriptions may be secured through appropriately worded planning conditions.

Stodmarsh SPA, SAC and Ramsar

5.50 Bespoke mitigation has been designed due to the potential effect on the integrity of the Stodmarsh designations. Foul water drainage will discharge from the new homes to a water recycling centre on the adjacent land at Potten Farm site to the south-west of the Site. Treatment will take place before the treated water then discharges to a nearby ditch or watercourse via an attenuation basin. Surface water will be fed through a dedicated attenuation basin on Site, before discharging to the same nearby ditch or watercourse. These measures will remove a prescribed load of nitrogen (TN) and phosphorus (TP), in terms of kg/yr, from the Stour catchment to enable the proposed development to be 'nutrient neutral' and ultimately mitigate these impacts.

Other Lowland Acid Grassland

5.51 The DFP demonstrates that a large proportion of grassland on-Site would be lost to facilitate the development (c. 72% of this habitat resource,

with c. 0.66ha retained for enhancement). However, the margins of field F1 will be retained and enhanced as part of the landscaping. Inclusion of these areas will ensure opportunities for a range of fauna such as invertebrates, bats, amphibians and reptiles still exist, subject to suitable habitat management.

Other Neutral Grassland

5.52 While the DFP does not explicitly show this habitat resource at F2.2 as being lost to development, it has been assumed that a proportion of this habitat resource will be lost to the development to facilitate pedestrian access. However, as the grassland found in F2.1 will largely be retained as POS, it is proposed that the grassland here is enhanced through beneficial management practices to be detailed within a LEMP, the provision of which shall be secured through an appropriately worded planning condition. As F2.1 is c. 0.5ha and considerably larger in size than F2.2, this will mitigate for the disturbance to the c. 0.05ha of other neutral grassland associated with F2.2 and will ensure opportunities for a range of fauna such as invertebrates, bats, amphibians and reptiles still exist, subject to suitable habitat management.

Hedgerows, Treelines and Trees

5.53 The proposed scheme stands to reduce the need for hedgerow and tree removal as far as possible. However, some minor removal from hedgerow H4 (c. 20m) is anticipated to facilitate the new vehicular and pedestrian access and the removal of T71 is required for the construction of the attenuation basin.

5.54 Provision of new tree and hedgerow planting around the Site will provide some enhanced connectivity across the Site and into the wider landscape. This may help to off-set fragmentation effects highlighted above. New buffer planting will be provided alongside the majority of existing hedgerows to strengthen and improve connectivity to off-site habitat. This will include native woody species and will improve the structural diversity and functionality of these habitats with an overall increase in the spatial area of wooded vegetation.

Ponds

5.55 The pond is situated among scattered trees within the Grove House portion of the Site. The pond is located outside of the proposed development area and as such the risk of direct impacts during the construction phase is minimal. Furthermore, the pond is located among the scattered mature trees in the central part of the Site and is likely to benefit from tree protection measures.

Bats

5.56 The Proposed Development has sought to minimise effects on foraging and dispersing bat species through sensitive design, maintaining the

majority of the green corridors currently present at the Site and through provision of a significant buffer from development at the eastern treelines and hedgerows (where the majority of bat activity was detected during surveys conducted in 2022), allowing dispersal routes and foraging habitats to be maintained. New tree and thicket planting and grassland habitats will be delivered to provide foraging opportunities for bats on-Site, in addition to providing new, and enhancing existing connectivity across the Site in line with Policy NE2 of the Folkestone & Hythe District- Places and Policies Local Plan 2020 (adopted 2020).

5.57 The proposed attenuation basin and wildflower meadow grassland areas within the northern and eastern extent of the Site are further likely to encourage communities of invertebrates, which will in turn support foraging activity by bats.

5.58 Delivery of appropriate mitigation could be secured by an appropriately worded planning condition and/or intrinsic design measures. It is considered that this approach will ensure that the favourable conservation status of bat species can be maintained.

Badger

5.59 Retention of the vast majority of existing suitable habitat within the Site (hedgerow bases), will retain opportunities for sett building, foraging and commuting for badger. It is considered that the development proposals could result in an increase in foraging habitat and commuting routes, given the large area of POS to be included, resulting in a significant positive effect for badgers at the Site level.

Breeding Birds

5.60 Retention of the majority of hedgerows, in addition to strengthening of these habitats, will ensure suitable arboreal nesting habitat is retained. New tree and thicket planting across the Site will also serve to increase the availability of suitable nesting and foraging habitat for the majority of bird species and provide additional cover opportunities to reduce the risk of disturbance / potential for predation by domestic cats. The surrounding landscape will be buffered from edge effects of development, such as light spill and disturbance, through the provision of vegetated buffers at the site edges.

Reptiles

5.61 Retention of the majority of suitable habitat along the peripheries of the Site and the provision of habitats to be delivered within the POS, such as wildflower planting, will result in the sustained habitat suitability and increased habitat resources for reptiles.

Amphibians (including Great Crested Newts)

5.62 The pond on Site is to be retained and should be enhanced and subsequently maintained in line with the enhancement measures given in this report. Additionally, the provision of a single large attenuation basin in the north of the Site will provide new aquatic opportunities for amphibians, in addition to terrestrial habitats throughout the areas of POS.

5.63 The DFP has been designed with the amphibian population in mind and has endeavoured to retain a green corridor/core between the Site and the surrounding land that may be developed in future, such as Potten Farm to the south-west and Rotherwood Farm to the south-east. The design of the green core seeks to retain connectivity between ponds.

Additional Mitigation

Other Lowland Acid and Other Neutral Grasslands

5.64 In addition to the retention/enhancement of existing areas of these habitats and the creation of new grasslands through wildflower planting, appropriate management to be detailed within a Landscape and Ecology Management Plan (LEMP), will ensure the continued favourable condition of these habitats. Due to the limited size of the other neutral grassland to be lost and the significant areas of other neutral grassland to be enhanced or created on Site, no residual adverse effects are anticipated for this habitat type. However, an adverse residual effects due to the loss of a large area of lowland acid grassland habitat is anticipated.

Hedgerows, Treelines and Trees

5.65 Suitable protective fencing will be erected around individual/groups of trees in accordance with BS 5837:2005. Protective fencing will also be erected to protect the hedgerows during the construction phase. This could be secured by an appropriately worded planning condition.

Ponds

5.66 The retained pond should be enhanced following specifications given in the enhancements section of this report.

5.67 As P1 is situated among a denser area of scattered trees it will benefit from the protection afforded to trees / hedgerows through Heras fencing.

5.68 Potential pollutions incidents / contamination will be avoided through the implementation of avoid measures to be set out within the CEMP during the constructions phase and SUDs during the operations phase.

5.69 The above measures should be secured through appropriately worded planning conditions.

Bats

5.70 In order to further minimise the development edge effect of artificial lighting on foraging and dispersing bats, a sensitive lighting strategy will be produced. This will maintain ecological functionality of new and existing habitats for bats, by reducing increased light spill onto important areas of foraging and commuting habitat, such as the on-Site hedgerows, treelines and mature trees.

5.71 The removal of tree T71 which provided 'moderate' bat roost potential/resource will be mitigated by the provision of a bat box on nearby mature trees. It should be noted that surveys of this tree did not identify any roosts (see appendix G).

5.72 Based on the implementation of the mitigation measures outlined above, no significant residual effects on the local population of bats are anticipated.

Badger

5.73 Badgers and their setts are protected under the Protection of Badgers Act 1992.

5.74 During the construction phase and in the absence of mitigation, any newly created badger setts could be destroyed and individual badgers could be at risk of falling into open excavations or entering open-ended pipework, risking an offence under the above legislation. As such, a precautionary check for badgers should be undertaken prior to starting construction, and this should be detailed in and secured by a CEMP.

Breeding Birds

5.75 There is scope for the inclusion within the planting scheme of plant species of known wildlife value to birds to increase foraging / shelter opportunities, increasing the number of birds the Site could support and resulting in a beneficial effect significant at the Site level.

5.76 To help minimise potential effects arising from increased levels of artificial lighting on bird breeding success rates, a sensitive lighting strategy will be produced.

5.77 Potential increased predation levels from domestic pets, such as cats will be minimised through the distribution of information packs to new homeowners, highlighting the importance of keeping cats indoors during the night/early morning, as well as the benefits of fitting bell collars to their pets.

5.78 Any clearance works of vegetation and trees will ideally be undertaken outside of the main bird nesting season, taken to run from mid-March to August inclusive. Where this is not possible an ecological update walkover of the Site should be conducted in order to identify any active

nests and to identify any exclusion zones, prior to works taking place. Exclusion zones will remain in place until the birds have fledged.

Reptiles

5.79 In terms of minimising the potential for direct impacts on individual reptiles during construction, although reptiles were recorded on the land at Potten Farm site to the south (as determined during the reptile surveys in 2021 and 2023), no reptiles were recorded on the Site in 2022. As such, it is considered that the tree protection measures proposed to be incorporated around the treelines/scattered trees and hedgerows will afford protection to any suitable reptile habitat that may be present at the Site margins , following clearance of suitable habitats within the construction area under ecological supervision. The reptile active season is the most appropriate time to undertake clearance of reptile habitat, i.e. mid-March to mid-October. Given the result of the 2022 reptile survey, a full programme of capture, exclusion and translocation is not considered to be appropriate for the Site.

5.80 An appropriate management regime for the POS should be implemented in order to ensure that reptile suitable habitat is maintained after construction, as there is suitable connectivity to the adjacent site where reptiles are present. This should involve keeping discrete areas of grassland within the POS short, some areas long and monitoring scrub and thicket encroachment. The provision of log piles should also be included in the management plan for this area in order to ensure that reptiles have suitable hibernacula and to increase the carrying capacity of the Site. Such management prescriptions could be detailed within an LEMP, and secured by way of a suitable worded planning condition.

5.81 Based on the implementation of the mitigation measures outlined above, no significant residual effects on the local population of reptiles are anticipated.

Great Crested Newts

5.82 Due to the likelihood of a small breeding population of GCN being present on-Site, and the likely significant effects discussed above, it is considered that mitigation for the loss of some terrestrial habitat will be required. In this instance an IACPC has been countersigned to enable an application to Natural England for a District Level Licence (DLL) agreement, once planning permission has been approved (see Appendix L). This will secure conservation payments to provide compensatory habitat provision off-site at a strategic local level.

5.83 In addition to this, it will be necessary to ensure that the potential for direct killing and injury of GCN is minimised during site clearance and construction work, and applicant/developer and their contractors will need to follow guidelines provided alongside the DLL in this respect.

5.84 In addition to this it will be necessary to ensure that the potential for direct killing and injury of GCN is minimised during site clearance and construction work, and applicant / developer and their contractors will need to follow guidelines provided alongside the DLL in this respect.

Residual Effects

5.85 Table 3 below summarises the assessment of potential impacts on each important ecological feature, proposed mitigation and the assessed residual effects.

Table 3. Summary of effects

Important Ecological Feature	Potential Impacts and Effects	Avoidance & Mitigation Measures	Mechanism by which Measures are Secured	Residual Effects
Wye and Crundale Downs SAC	Increased recreational pressure	Provision of adequate POS and PRoW within the development proposals	POS specifications secured through planning condition	No significant effect
Dungeness, Romney Marsh and Rye Bay SPA (marine components)	Increased recreational pressure. However, Site is outside catchment zone.	None required	N/A	No significant effect
Folkestone to Etchinghill Escarpment SAC	Increased recreational pressure	Provision of adequate POS and ProW within the development proposals	POS specifications secured through planning condition	No significant effect
Stodmarsh SAC/SPA/Ramsar	Nutrient enrichment as a result of waste water / surface water discharge into the Stour catchment	Bespoke compensation through WRC and attenuation basin creation	Secured through planning condition	No significant effect
Gibbin's Brook SSSI	Increased recreational pressure	Provision of adequate POS and ProW within the development proposals	POS specifications secured through planning condition	No significant effect
Lowland acid grassland	Adverse effects due to the removal of a large proportion of this habitat resource	Habitat retention and enhancement, new habitat creation, management of POS for biodiversity gain.	Landscape Proposals, LEMP secured through planning condition	Adverse effect at Site level

Important Ecological Feature	Potential Impacts and Effects	Avoidance & Mitigation Measures	Mechanism by which Measures are Secured	Residual Effects
Other neutral grassland	Adverse effects due to the expected removal or alteration of a small proportion of this habitat	Habitat enhancement of ONG elsewhere on Site, new habitat creation, management of POS for biodiversity gain.	Landscape Proposals, LEMP secured through planning condition	No significant effect
Hedgerows, treelines and trees	Adverse effects (site) due to the removal of c. 20m of hedgerow sections H4, for vehicular access and T71 to facilitate the construction of the attenuation basin.	Strengthening of boundary vegetation. New habitat creation. Protection of habitats with appropriate fencing during construction.	TPP and LEMP secured through planning condition	No significant effect
Ponds	Adverse effects (local) due to damage, disturbance and pollution	Tree protection fencing during construction will also protect ponds. Impact avoidance measures under CEMP	TPP and CEMP secured through Planning Condition	No significant effect
Bats	Adverse effects (site) due to potential development edge effects from artificial lighting causing disturbance of foraging bats	New habitat creation, management of POS for biodiversity gain, sensitive lighting strategy	LEMP and Lighting Strategy secured through Planning Condition	No significant effect
Badger	Legally protected. Potential for killing or injury of individuals.	Precautionary badger survey; impact avoidance measures under CEMP	CEMP secured through Planning Condition	No significant effect
Birds	Significant adverse effects (Site); Potential damage or destruction of nests and eggs during construction / minor habitat loss. Potential for disturbance	Sensitive timing of works / nest checks by ecologist; provision of new habitat within POS, distribution of leaflets to new residents and installation of fencing and	CEMP, Landscape Proposals, LEMP secured through planning condition	No significant effect

Important Ecological Feature	Potential Impacts and Effects	Avoidance & Mitigation Measures	Mechanism by which Measures are Secured	Residual Effects
	from increased recreation/dog-walking, artificial lighting levels as well as increased predation from pets during operational phase	information boards		
Reptiles	Potential killing / injury during construction.	Precautionary working methods / sensitive timing for habitat removal, implementation of exclusion fencing (utilising tree protection) and habitat enhancements in POS	Reptile Mitigation Strategy, Landscape Proposals and LEMP secured by planning condition	No significant effect
Great Crested Newts (Local)	Potential killing / injury during construction	Mitigation to be delivered through Natural England District Level Licence scheme	Great Crested Newt DLL	No significant effect

5.86 Subject to the implementation of the above mitigation, no significant residual effects on any important ecological features are anticipated to result from the construction or operation of the proposed development.

Cumulative Effects

5.87 Table 4 below identifies the plans/projects that have been scoped in for assessment of potential additive or synergistic effects on the ecological features identified in Table 3 above.

Table 4. Summary of potential cumulative effects

Reference, distance from Site and materials reviewed	Potential impact/effect of plan or project in isolation	Potential for significant cumulative effect?
Land at Potten Farm, directly adjacent to the south-west: a c.6.99ha site with a residential development of 3.12ha (up to 105 dwellings). Status: Outline planning application submitted	*Statutory sites* – The assessment of statutory sites was in-keeping with the assessments herein, and no likely significant effects are considered likely following mitigation measures for the effects of pollutants entering the Stodmarsh catchment zone.	No likely significant cumulative effects anticipated following phosphates/nitrates mitigation measures on the proposed development Site.
	Habitats – It was concluded that the proposals would retain and enhance the majority of existing hedgerows and trees and the existing ponds. Proposals also included extensive habitat creation, including species-rich meadow, ponds marginal planting at pond edges, and native tree, scrub and hedgerow planting.	Yes (positive) – There is potential for a beneficial cumulative effect, significant up to the Local level for all ecological features. The intensive farmland landscape provides limited opportunities for wildlife, and the inclusion of habitat creation, retention and enhancement measures as part of the landscape proposals will provide habitat resources for wildlife to thrive and disperse. As this site is directly adjacent to the proposed development Site there is an opportunity to create habitat corridors.
	Bats –Pipistrelles were the primary species recorded during the activity surveys undertaken, with minimal activity from rarer bat species. No roost locations were found on Site. It was concluded that the proposed new habitats would enhance and expand foraging habitat and navigation corridors. Bat boxes were also recommended to be factored into the design of the Site.	
	GCN – This neighbouring site contains two of the ponds on the Pond Plan at Appendix J (P5 and P6). The Ecological Impact Assessment states that both ponds and the marginal habitats (hedgerows and grass margins) were to be retained under the proposals, and that the habitats to be lost (arable fields) were sub-optimal terrestrial habitat for newts. A separate application for a District Level Licence is to be made at this Site.	
	Reptiles – The landscape proposals were concluded to be of benefit to reptile species present (common lizard, slow worm and grass snake)	

Reference, distance from Site and materials reviewed	Potential impact/effect of plan or project in isolation	Potential for significant cumulative effect?
	Birds - The landscaping proposals were considered to provide beneficial habitats for nesting birds. It was considered possible that wintering birds may be affected by increased artificial lighting and disturbance, especially from pets. However, a lighting strategy and the creation of homeowner information packs will minimise this potential impact.	
<u>New Garden Settlement (Otterpool Park), c. 340m south</u>: a c. 580ha proposed development of up to 6375 dwellings along with spaces for commercial, retail, education, health and leisure, green infrastructure and associated open space. Folkestone and Hythe District Council Core Strategy Review 2022 Otterpool Park Environmental Statement	*International statutory sites* - (Folkestone to Etchinghill Escarpment SAC, Wye and Crundale Downs SAC): Impacts from recreational pressure, air quality and from domestic animals. Potential impacts/effects assessed as not significant due to distance.	No – the proposed scheme at the Site is unlikely to have a cumulative significant adverse effect (See CSA/4509/04)
	Gibbin's Brook SSSI - Impacts from pollution, altered topography, impacts from recreational pressure, air quality impacts and impacts from domestic animals. Potential impacts assessed as not significant due to mitigation by design.	No – the proposed scheme at the Site is unlikely to have a cumulative significant adverse effect
	Birds - Farmland birds (breeding and wintering incl. gulls and thrushes): Loss of habitat, disturbance. Assessed as not significant due to mitigation by design.	Yes (positive). Overall habitat gain expected.
	Great crested newts / amphibians - direct mortality, loss and deterioration of habitats, disturbance, fragmentation, impacts from domestic animals. Assessed as not significant due to mitigation by design.	No – the proposed scheme at the Site is unlikely to have a cumulative significant adverse effect due to provision of Strategic Mitigation.
<u>Land to the rear of Rhodes House (outline application ref: Y16/1122/SH), c. 740m east:</u> a c. 19ha proposed development of up to 162 houses and up to 929m^2 business floorspace.	No ecological survey information was available, however a technical briefing note was provided that described how a precautionary approach to reptiles was to be undertaken under a CEMP, potential impacts to bats would be covered by a lighting plan, and impacts to habitats will be limited or	Yes (positive) – There is potential for a beneficial cumulative effect, significant up to the Local level for all ecological features. The intensive farmland landscape provides limited

Reference, distance from Site and materials reviewed	Potential impact/effect of plan or project in isolation	Potential for significant cumulative effect?
Reserved Matters applications 22/0053/FH and 21/0279/FH Ecology Technical Note. Aspect Ecology, 2022	compensated for through a planting scheme and associated LEMP.	opportunities for wildlife, and the inclusion of habitat creation, retention and enhancement measures as part of the landscape proposals will provide habitat resources for a wide array of wildlife to thrive and disperse.

5.88 The schemes summarised in Table 4 occur locally to the Site and share a similar baseline farmland habitat composition. When considered in combination, the additive impacts of the schemes summarised in Table 4 are anticipated to have a positive cumulative effect on nesting birds, bats, reptiles and amphibians, including great crested newt, through habitat retention and enhancement measures which will lead to greater connectivity and resource availability in the local landscape.

Compensation

5.89 A residual negative effect on the lowland acid grassland found in F1 is anticipated to result from the proposed development, following the inclusion of impact avoidance and mitigation measures described above. Therefore, compensatory measures are proposed.

5.90 As detailed above in 'Mitigation by Design' the proposed development will provide an opportunity to secure the following elements of habitat creation. Although designs are at this stage illustrative, the DFP (CSA/4509/122/D) demonstrates that alongside development the Site can accommodate creation of the following:

- Modified grassland (c. 0.17ha)
- Scrub thicket planting (c. 0.06ha)
- Attenuation basin (c. 0.11ha)
- New tree planting (c. 0.16ha)

5.91 A further c. 1.23ha of wildflower grassland will be retained and enhanced, inclusive of acid grassland and other neutral grassland.

5.92 The above measures will compensate those losses which cannot be avoided. Full details on the establishment and long-term management of these habitats will be set out in the LEMP/HMMP at the detailed design stage. Such details will include a description of the proposed habitats, their target condition, timescales over which condition will be achieved, management prescriptions, implementation responsibilities, funding mechanisms and monitoring methodology.

Enhancement

5.93 The Development Framework Plan includes landscape planting enhancements which will make positive contributions to on-site biodiversity.

5.94 New habitat creation will provide opportunities for species confirmed to be present on-site at baseline, such as nesting birds. In addition to these enhancements which are embedded into development proposals, a range of additional ecological enhancement measures will be delivered as part of the proposed development, as identified below.

Further details will be set out in a LEMP at the detailed design stage, however as an indicative guide:

- Inclusion of plant species of known wildlife value within the landscaping scheme, including night-scented varieties to benefit bats.
- Provision of new bat roosting opportunities: At least 15 no. bat boxes will be erected on mature trees and at least 20% of new builds. These will be a purpose-built, durable and long-lasting variety such as available from Schwegler or Habibat. Where possible, these will be incorporated into the fabric of new builds.
- Provision of new bird nesting opportunities: At least 15 no. bird nesting boxes will be provided in new/retained planting to benefit generalist bird species and on at least 20% of new builds.
- Creation of log piles: Timber generated from any tree clearance works at the Site will be used to make log piles for wildlife benefit. These will be sited within boundary vegetation where they will be least disturbed. New material can be added as required following any future management works.
- Provision of hedgehog gaps: Hedgehogs have been scoped out of detailed assessment and no specific mitigation is proposed, however it is important that opportunities for hedgehogs to move through the landscape are preserved. Although not strictly an 'enhancement' measure, provision of hedgehog-friendly gravel boards or equivalent, providing a minimum 5 x 5 inch gap, will be used to maintain permeability for hedgehogs across the development and associated gardens. The number and location of hedgehog gaps will be determined at the detailed design stage and set out within the LEMP.
- Provision of new aquatic features: Drainage features, including one attenuation basin will be enhanced with aquatic planting to provide new opportunities for amphibians, reptiles and bats.

Monitoring

5.95 No post-development monitoring of important ecological features is proposed. However, there will be ongoing monitoring of newly established and enhanced habitats as part of POS. This commitment will be made, and further detail provided, within the LEMP to be prepared at the detailed design stage and secured by way of condition.

6.0 CONCLUSIONS

6.1 In the absence of any mitigation measures, the proposed development would have the potential to result in negative effects significant at up to the International level in relation to Stodmarsh SPA/SAC/Ramsar and up to the Local level in relation to GCN. However, with the implementation of proposed mitigation and precautionary measures as proposed here, the development is not anticipated to result in any significant residual negative effects on important ecological features.

6.2 The Development Framework Plan demonstrates the potential to deliver net benefits for wildlife in the form of additional habitats, with the opportunity to provide additional biodiversity enhancement measures alongside the new housing. A Biodiversity Net Gain Assessment has determined that the proposed development is likely to have a net loss of -27.01% in habitat units, and a net gain of 77.40% in linear/hedgerow units (-7.20 Biodiversity Habitat and +1.80 Biodiversity Linear/Hedgerow Units).

6.3 The measures set out herein can be secured through appropriate conditions attached to any planning consent, and the development may therefore be delivered without harm to nature conservation interests. Specifically, it is anticipated that planning conditions would be used to secure:

- Construction Environmental Management Plan (CEMP): In addition to wider environmental controls and best practice construction management, the CEMP will set out construction-phase impact avoidance measures with respect to nesting birds, badgers, GCN and reptiles.
- Landscape and Ecology Management Plan (LEMP): The LEMP will detail the establishment and long term management of retained and newly created habitats to maximise benefits for wildlife. It will include a graphical Ecological Enhancement Plan, setting out the number, type and position of enhancement features.
- Lighting Strategy: A sensitive lighting strategy will accompany the detailed layout, ensuring that dark corridors (hedgerows, treelines and mature trees) are maintained, and minimising light spill to retained and newly created habitats.

6.4 Measures to minimise impacts and avoid significant negative effects on bats and great crested newts are further assured through the applicable legislative framework, which triggers statutory derogation licencing administered by Natural England.

6.5 Based on the successful implementation of avoidance, mitigation and enhancement measures set out herein, the scheme is considered to accord with all relevant nature conservation legislation, as well as with

the provisions of The Folkestone & Hythe District Council Core Strategy Review (2022) and the Folkestone & Hythe Places and Policies Local Plan 2020 (adopted 2020).

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Appendix A

Habitats Plan & Habitat Summary Table

N

- Site boundary
- Other lowland dry acid grassland (g1d)
- Other neutral grassland (g3c)
- Modified grassland (g4)
- Ponds (r)
- Hedgerows with trees (h2) (190)
- Hedgerows (Priority Habitat) (h2a)
- Line of trees (w1g6)
- Individual rural trees
- F — Field reference
- H/LT — Hedgerow / treeline reference
- Target notes:
  TN1 - Veteran / ancient tree (T55)
  TN2 - Notable sweet chestnut trees (T35 & T36)
  TN3 - Notable tree with veteran features (T40)
  TN4 - Notable tree with veteran features (T59)
  TN5 - Notable tree with veteran features (T60)
  TN6 - Notable tree with veteran features (T71)

CSA environmental
Office 20, Citibase, 95 Ditchling Road, Brighton BN1 4ST
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w csaenvironmental.co.uk

Project	Land South of Ashford Road, Sellindge	Date September 2023	Drawing No. CSA/4509/107
Drawing Title	Baseline Habitats Plan	Scale Refer to scale	Rev A
Client	Gladman Developments Ltd	Drawn CVJ	Checked CC

Table 1. UK Habitat Classification Summary Table

Habitat Parcel Number	Habitat Type	Habitat Code(s)	Description
F1	Other lowland acid grassland with tall herbs and grazing	g1d, 16, 58	The grassland is interspersed with scattered mature trees but is otherwise open and exposed. Grass species within this habitat are common bent *Agrostis capillaris*, sheep's fescue *Festuca ovina* and Yorkshire fog *Holcus lanatus.* Sweet vernal grass *Anthoxanthum odoratum* and perennial rye *Lolium perenne* are also found frequently across the sward. Common sorrel *Rumex acetosa,* field woodrush *Luzula campestris*, common mouse-ear *Cerastium fontanum* and common nettle *Urtica dioica* are found occasionally to rarely. The lack of forb species is notable.
F2.1	Other neutral grassland with tall herb and grazing	g3c, 16, 58	This grassland has abundant Yorkshire fog, perennial ryegrass and creeping buttercup *Ranunculus repens,* with occasional creeping bent. The sward here is richer in forbs although not notably so. It contains frequent ragwort *Senecio jacobaea*, common nettle, spear thistle *Cirsium vulgare* and ground ivy *Glechoma hedeacea*. Cut-leaved cranesbill *Geranium dissectum* was found rarely.
F2.2	Other neutral grassland with tall herb and ruderal/ephemeral vegetation	g3c, 16, 17	The small strip of land to the south of 'Grove House' forms a narrow corridor of un-grazed vegetation consisting predominantly of tall herbs and other colonising vegetation. There are few grass species present, although Yorkshire fog and perennial rye were abundant throughout the survey plots. The grassland has abundant pendulous sedge *Carex pendula,* common nettle and burdock *Arctium sp.,* with occasional creeping buttercup, broadleaved plantain *Plantago major,* green alkanet *Pentaglottis sempervirens*, and ground ivy.
P1	Pond (priority habitat)	r1	P1 is only partially on-Site with the remainder in the grounds of Grove House. The pond was dry at the time of the survey and heavily shaded by canopy cover with no notable vegetation. Priority due to records of GCN using this pond.
N/A	Scattered trees	N/A	There are a range of scattered trees at the boundaries of the Site compartments which are a mix of ages. There is a collection of scattered trees in the central and southern extent of the Site, near the 'Grove House' estate.
H1	Native hedgerow	h2a	Dense and frequently managed, c. 1m wide x c. 2m tall with excellent continuity. Beech *Fagus sylvatica* is the dominate component, with bramble and honeysuckle *Lonicera periclymenum* frequently encountered along its length, and hawthorn and holly *Ilex aquifolium* infrequently observed.

Habitat Parcel Number	Habitat Type	Habitat Code(s)	Description
H2	Native hedgerow	h2a	Grown out in places, is c. 1m tall and has multiple breaks at least 1m long along its length. Signs of heavy flailing were noted. The main hedge constituent is hawthorn. Sycamore and ash *Fraxinus excelsior* are frequently encountered with one or two elder stands occurring.
H3	Native hedgerow with trees	h2a	A shorter section of treeline, c. 50m, that contains mature and semi-mature trees include, primarily of sycamore and ash, but hybrid black poplar *Populus x canadensis* and pedunculate oak are present also. There is a shrub layer which includes hawthorn alongside ash and sycamore and wych elm *Ulmus glabra*.
H4	Native hedgerow with trees	h2a	An extensive hedgerow that contains mature and semi-mature trees include, primarily of sycamore and ash, but hybrid black poplar *Populus x canadensis* and pedunculate oak are present also. There is a shrub layer which includes hawthorn alongside ash and sycamore and wych elm *Ulmus glabra*.
H5	Native hedgerow with trees (species rich)	h2a5	Encloses the garden of 'Grove House' and, as such, includes several species associated with gardens such as bamboo *Bambuseae sp.* Which is abundant. Cherry laurel *Prunus laurocerasus* and tree-of-heaven *Ailanthus altissima* are also encountered. Crack willow *Salix fragilis* is also present along with hawthorn, sycamore, elder and ash. Hornbeam *Carpinus betulus*, holm oak *Quercus ilex* and sweet chestnut *Castanea sativa* are also infrequently encountered.
LT1	Line of trees	33	Three mature ash trees, each with hollowing stems and other forms of storm damage and/or dieback. There is an understorey of sparse hawthorn and blackthorn.

Appendix B

Legislation and Planning Policy

1.1. The **Conservation of Habitats and Species Regulations 2017** (as amended) make prescriptions for the designation and protection of Sites of Community Importance ('European sites', i.e. Special Areas of Conservation and Special Protection Areas) and European Protected Species (EPS). The latter include all native bats, great crested newts, dormice, otters and certain reptiles, listed under Annex II of the Regulations. Following the UK's departure from the European Union, the provisions of the Regulations have been retained through enactment of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which came into force on 31 December 2020.

1.2. The **Wildlife and Countryside Act 1981** (as amended, principally by the Countryside and Rights of Way Act 2000) forms the basis for protection of statutory designated sites of national importance (e.g. Sites of Special Scientific Interest; SSSIs) and native species that are rare and vulnerable in a national context. Additionally, badgers are protected under the **Protection of Badgers Act 1992**.

1.3. The **Environment Act 2021** received Royal Assent in November 2021. Through an amendment to the Town and Country Planning Act 1990 the Environment Act will introduce a mandatory requirement for all planning permissions to be conditional upon the submission of a Biodiversity Gain Plan for approval by the Local Planning Authority. The Plan will need to demonstrate a net gain of at least 10% in the biodiversity value of the development site.

1.4. Section 40(1) of the **Natural Environment and Rural Communities (NERC) Act 2006** states that each public authority, "must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This legislation makes it clear that planning authorities should consider impacts to biodiversity when determining planning applications, with particular regard to the Section 41 (S41) lists of 56 habitats and 943 species of principal importance. The UK Biodiversity Action Plan (BAP) has been superseded by the Biodiversity 2020 Strategy, however Local BAPs continue to influence biodiversity management and conservation effort, including through the spatial planning system, at the local scale.

1.5. The **National Planning Policy Framework (2023)** (NPPF) sets out the government planning policies for England and how they should be applied. With regards to ecology and biodiversity, Chapter 15: Conserving and Enhancing the Natural Environment, paragraph 174, states that the planning system and planning policies should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

1.6. Paragraph 180 sets out the principles that local planning authorities should apply when determining planning applications:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts).
- 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.
- 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.
- 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.

1.7. Accompanying the NPPF, central government guidance on the implementation of planning policies is set out within online Planning Policy Guidance (PPG). That relating to the protection and enhancement of the Natural Environment was most recently updated in August 2021. The Natural Environment PPG addresses principles across a broad spectrum of topics targeting biodiversity conservation, from individual site and species protection through to the supporting of ecosystem services, and the use of local ecological networks to support the national Nature Recovery Network. In particular the PPG promotes the delivery of measurable Biodiversity Net Gain through the creation and enhancement of habitats alongside development.

1.8. The Government Circular 06/2005, which is referred to within the NPPF, defines statutory nature conservation sites and protected species as a material consideration in the planning process.

1.9. Local planning policies of relevance to ecology, biodiversity and/or nature conservation have been set out in Table 1 below.

Table 1. Summary of regional and local planning policy relating to ecology

Policy	Summary
Folkestone & Hythe District Council Core Strategy Review 2022	
Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation	*1.The council will require development proposals over their lifetime:* *i. To provide net gains in biodiversity at least to comply with statutory and/or national policy requirements (assuming no residual loss);* *ii. To demonstrate that they protect and enhance valued landscapes, sites of biodiversity or geological value and soils, commensurate to their status and quality;* *iii. So far as possible, to deliver improvements in green infrastructure (GI) assets in the district and ensure positive management of areas of high landscape quality or high costal/recreational potential identified in the Green Infrastructure Report (2011) (or any updates to this report).* *2. Green infrastructure will be protected and enhanced and the loss of GI uses will not be allowed, other than where demonstrated to be in full accordance with national policy, or a significant quantitative or qualitative net GI benefit is realised or it is clearly demonstrated that the aims of this strategy are furthered and outweigh its impact on GI. Moreover:* *i. The highest level of protection in accordance with statutory requirements will be given to protecting the integrity of sites of international nature conservation importance;* *ii. A high level of protection will be given to nationally designated sites (Sites of Special Scientific Interest and Ancient Woodland) where development will avoid any significant impact;* *iii. Appropriate and proportionate protection will be given to habitats that support higher-level designations, and sub-national and locally designated wildlife/geological sites to include Local Wildlife Sites (LWS), Kent Biodiversity Action Plan habitats, and other sites of nature conservation interest;* *iv. Planning decisions will have close regard to the need for conservation and enhancement of landscape and scenic beauty in the Kent Downs Area of Outstanding Natural Beauty (AONB), which will be given the highest status of protection in relation to these issues. Development within the setting of the AONB should be sensitively located and avoid or minimise adverse impacts on the AONB. Elsewhere development must not jeopardise the protection and enhancement of the district's distinctive and diverse local landscapes, and must reflect the need for attractive and high-quality open spaces throughout the district; and* *v. Planning applications will need to be supported by ecological surveys, mitigation strategies (when required) and enhancement plans, in order to follow and apply the mitigation hierarchy, as appropriate.*

Policy	Summary
	3. The GI network shown in Figure 5.2 and identified in supporting evidence, and other strategic open space, will be managed with a focus on: *i. Adapting to and managing climate change effects;* *ii. Protecting and enhancing biodiversity and access to nature, particularly in green corridors and other GI strategic opportunities in Figure 5.2, with appropriate management of public access (including the Sustainable Access and Recreation Management Strategy for Dungeness and together with a strategic approach to the international sites as detailed above); and also avoiding development which results in significant fragmentation or isolation of natural habitats;* *iii. Identifying opportunities to expand the GI functions of greenspaces and their contribution to a positive sense of place (including enhancements to public open spaces and outdoor sports facilities); and* *iv. Tackling network and qualitative deficiencies in the most accessible, or ecologically or visually important GI elements, including improving the GI strategic fringe zones in Figure 5.2 through landscape improvements or developing corridors with the potential to better link greenspaces and settlements.*
Policy CSD9: Sellindge Strategy	N.B. only the section relevant to ecology has been included here. *e. The design and layout of the development shall be landscape-led and include within it structural landscaping with woodland planting to be provided on the rural edge of the development, particularly around the western boundary of Site A, to retain the rural character, and on the eastern boundary of Site B, to avoid or minimise adverse impacts on the Kent Downs AONB and views into and out of the AONB. All landscaping shall be planted at an early stage of the development and provide new habitats for priority nature conservation species. Applications shall be accompanied by a landscape and visual impact assessment that should inform the landscaping scheme and address structural and local landscape matters;*
Folkstone and Hythe District Council Places and Policies Local Plan 2020	
Policy NE2: Biodiversity	***European Sites*** *Development will safeguard and protect all sites of European and Global importance, designated as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites. Development must not result in significant adverse effects on these internationally important nature conservation sites, either alone or in combination with other projects and plans. The Council will expect development proposals to demonstrate and contribute to appropriate mitigation and management measures to maintain the ecological integrity of the relevant European site(s).* ***National Sites*** *For nationally important sites, including Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR), where developments may have a significant impact, an ecological impact assessment will be required. For proposals where impacts cannot be avoided or adequately mitigated, these will be*

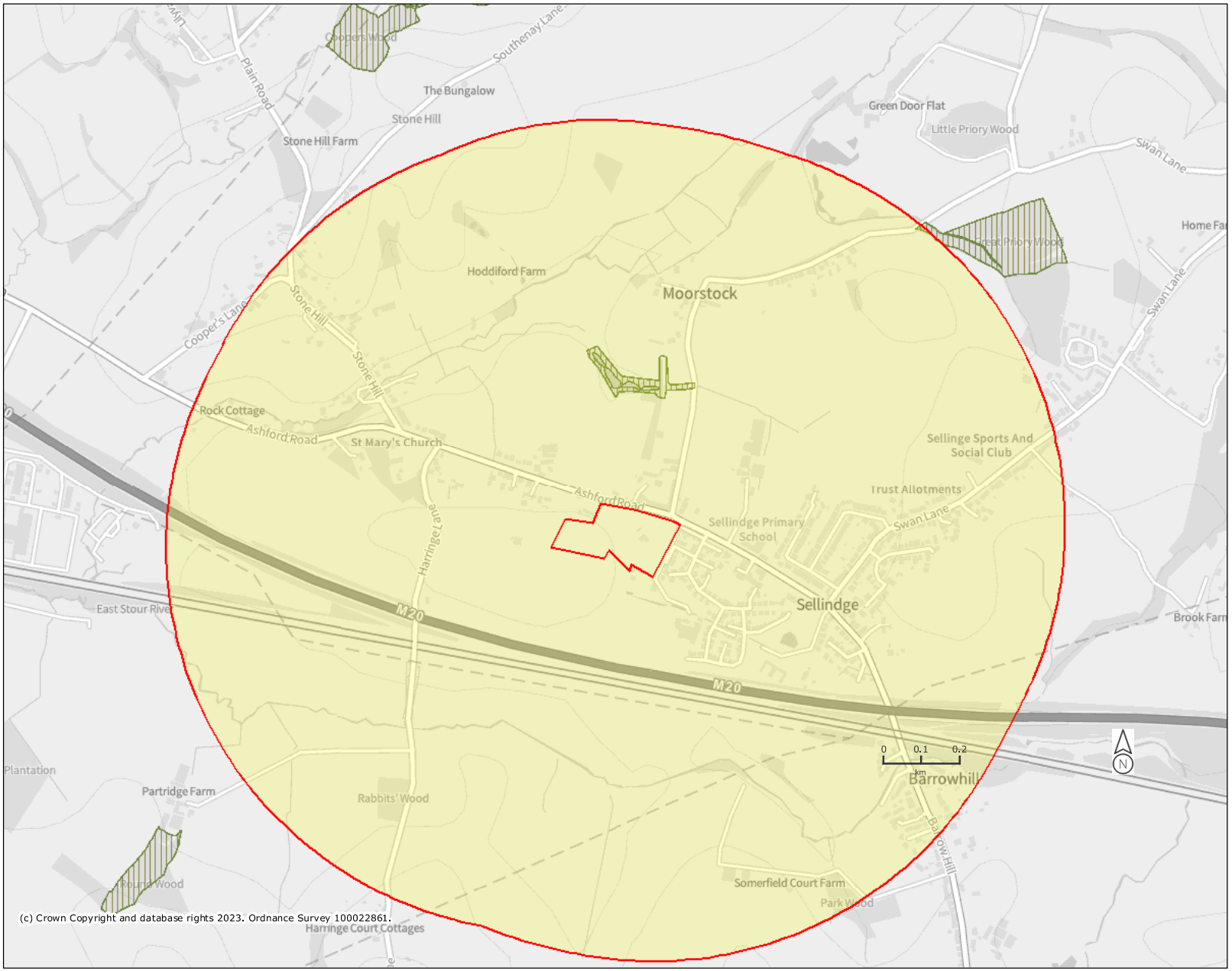
Policy	Summary
	refused, unless exceptional circumstances can be demonstrated. ***Local Sites*** *Local sites, including Local Nature Reserves (LNR), Key Wildlife Sites (KWS) and Regionally Important Geological and Geomorphological Sites (RIGS) will be safeguarded from development, unless the benefits of the development outweigh the nature conservation or scientific interest of the site. Where development is considered necessary, adequate mitigation measures or, exceptionally, compensatory measures, will be required, with the aim of providing an overall improvement in local biodiversity and/or geodiversity. Opportunities will be sought to access and enhance the value of such sites for educational purposes, particularly in relation to promoting public awareness and appreciation of their historic and aesthetic value.* ***Protected Species*** *Development proposals that would adversely affect European Protected Species (EPS) or Nationally Protected Species will not be supported, unless appropriate safeguarding measures can be provided (which may include brownfield or previously developed land (PDL) that can support priority habitats and/or be of value to protected species).* ***Development and the Natural Environment*** *All new development will be required to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity value (whether or not they have statutory protection) and all legally protected or priority habitats and species. The Council will support development that:* *i. Enhances, retains and protects existing sites and features of nature conservation value including wildlife corridors, ancient woodland and geological exposure that contribute to the priorities established through the Biodiversity Action Plan and the Green Infrastructure Plan;* *ii. Does not reduce, and where feasible, improves species' ability to move through the environment in response to predicted climate change, and to prevent isolation of significant populations of species; and* *iii. Incorporates features that enhance biodiversity as part of good design and sustainable development, including the creation of new pollinator habitat suitable to the scale of development.* *The District has a number of undesignated sites, which may nevertheless host rare species or valuable habitats. Where a site is indicated to have such an interest, the applicant should observe the precautionary principle and the Council will seek to ensure that the intrinsic value of the site for biodiversity and any community interest is enhanced or, at least, maintained.* *Where an impact cannot be avoided or mitigated (including post-development management and monitoring), compensatory measures will be sought. The Council may, in exceptional circumstances, allow for biodiversity offsets, to*

Policy	Summary
	prevent loss of biodiversity at the district level. Such compensation will be directed to Biodiversity Opportunity Areas (BOAs) within the district or projects identified in the Council's Green Infrastructure Plan.
Policy NE5: Light Pollution and External Illumination	*Applications for major development, and development including significant external lighting, will be approved if:* *1. The proposal does not materially alter light levels outside the development site;* *2. The proposal does not adversely affect the use or enjoyment of nearby buildings or open spaces; and* *3. The proposed lighting scheme accords with the best practice guidance provided by the Institution of Lighting Professionals (ILP) (2011) relevant to the particular Environmental Zone.* *For proposals involving sensitive uses (such as hospitals or residential institutions) the Council will have regard to whether an existing neighbouring light source would make the proposed used unsuitable for the site.* *Applications should include a lighting assessment with details of the following:* *i. Where the light shines;* *ii. When the light shines,* *iii. How much light shines; and* *iv.* ***Possible ecological impact.*** Please see the Policy in the Local Plan to see a detailed Table of what is and what is not considered acceptable in certain situations.

Appendix C

Desk Study Information

Ancient Woodland Within 1km



Legend

Ancient Woodland (England)

- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland

Projection = OSGB36
xmin = 607400
ymin = 137100
xmax = 612500
ymax = 139600

0 0.15 0.3
km

Map produced by MAGIC on 24 August, 2023.

Site Check Report Report generated on Thu Aug 24 2023
You selected the location: Centroid Grid Ref: TR09953820
The following features have been found in your search area:

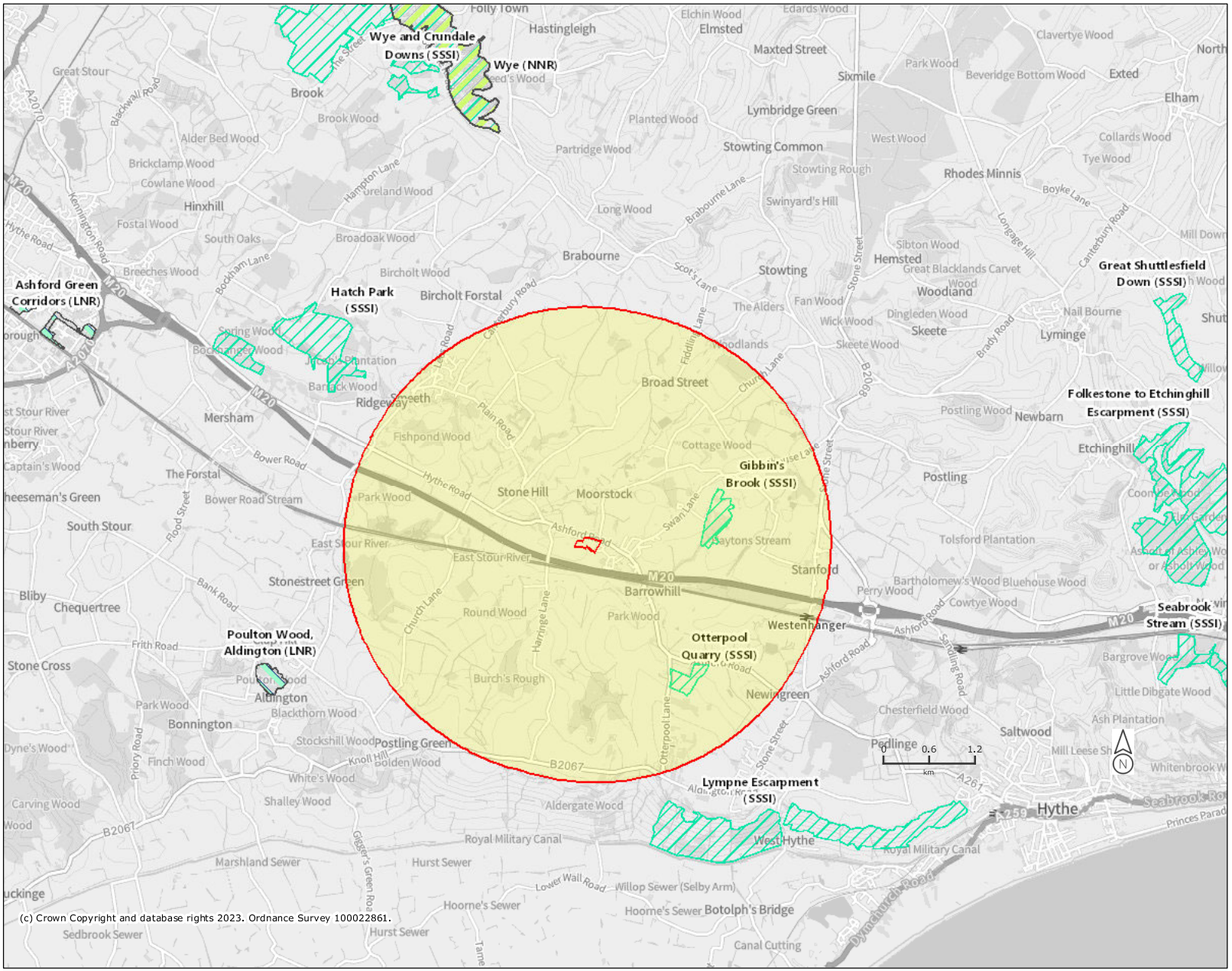
Ancient Woodland (England)

Wood Name	
Theme Name	Ancient & Semi-Natural Woodland
Theme ID	1486919
Area (Ha)	0.899042

Wood Name	GREAT PRIORY WOOD
Theme Name	Ancient & Semi-Natural Woodland
Theme ID	1486901
Area (Ha)	3.966269

MAGIC

Designations Within 3km



(c) Crown Copyright and database rights 2023. Ordnance Survey 100022861.

Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Sites of Special Scientific Interest (England)

Marine Conservation Zones (England)

- Designated

Projection = OSGB36
xmin = 597600
ymin = 132700
xmax = 623000
ymax = 145200

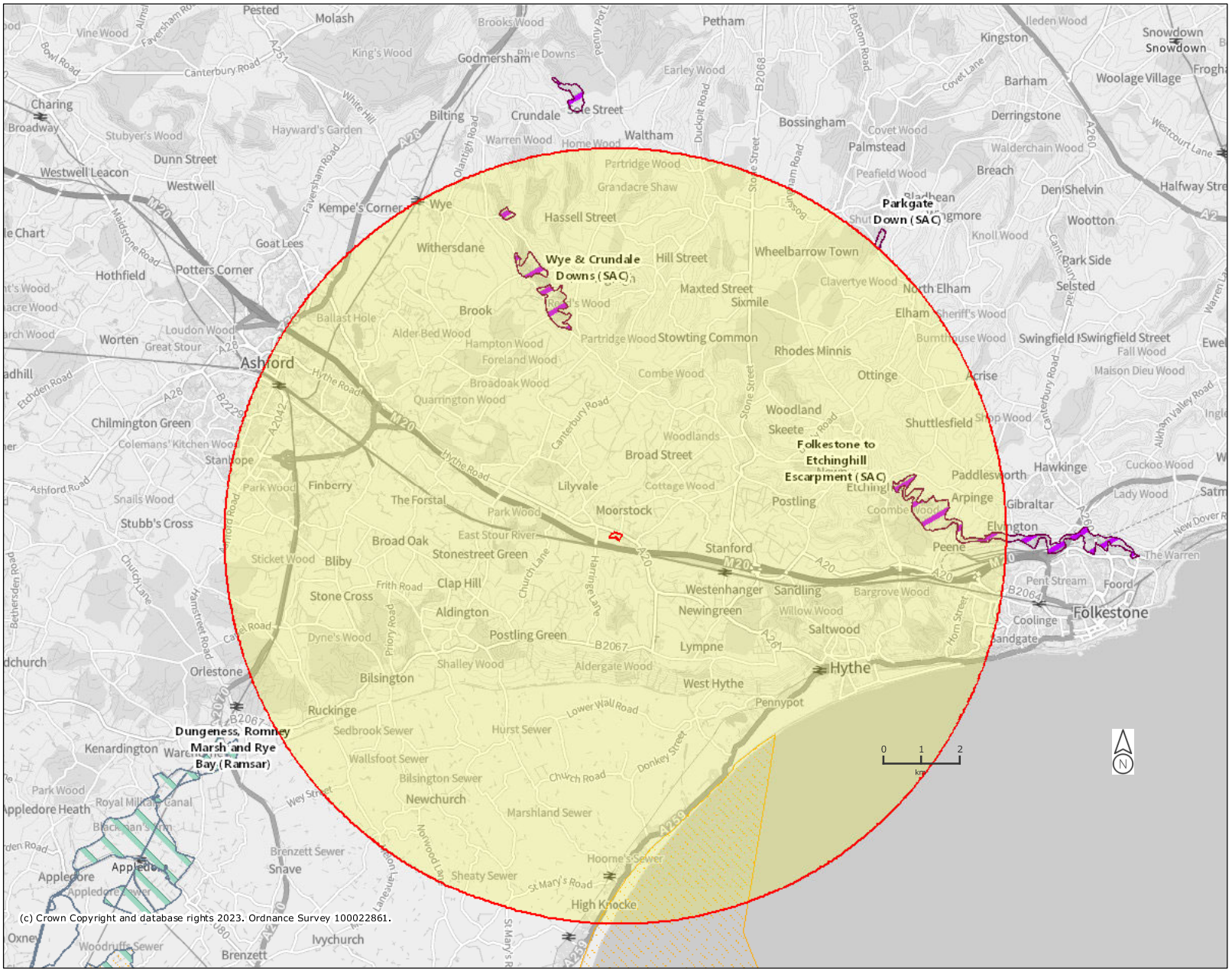
0 1 2
km

Map produced by MAGIC on 24 August, 2023.

Site Check Report Report generated on Thu Aug 24 2023
You selected the location: Centroid Grid Ref: TR09953820
The following features have been found in your search area:
Sites of Special Scientific Interest (England)
Name
Gibbin's Brook SSSI
Reference
1000278
Natural England Contact
Williams, (Phil)
Natural England Phone Number
0845 600 3078
Hectares
16.77
Citation
1003701
Hyperlink
http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1003701
Name
Otterpool Quarry SSSI
Reference
1000347
Natural England Contact
Bamping, (Abbi)
Natural England Phone Number
0845 600 3078
Hectares
10.23
Citation
1003173
Hyperlink
http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1003173
Local Nature Reserves (England)
No Features found
National Nature Reserves (England)
No Features found
Marine Conservation Zones (England)
No Features found

MAGIC

Designations Within 10km



(c) Crown Copyright and database rights 2023. Ordnance Survey 100022861.

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)

Special Areas of Conservation (Marine Components GB)

- Candidate
- Designated
- Possible

Special Protection Areas (Marine Components GB)

- Classified
- Potential

Projection = OSGB36
xmin = 584600
ymin = 127000
xmax = 635400
ymax = 152000

0 2 4
km

Map produced by MAGIC on 24 August, 2023.

Site Check Report Report generated on Thu Aug 24 2023
You selected the location: Centroid Grid Ref: TR09953820
The following features have been found in your search area:

Special Areas of Conservation (England)

Name	WYE & CRUNDALE DOWNS
Reference	UK0012831
Hectares	113.12
Hyperlink	http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0012831

Name	PARKGATE DOWN
Reference	UK0030338
Hectares	7.02
Hyperlink	http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0030338

Name	FOLKESTONE TO ETCHINGHILL ESCARPMENT
Reference	UK0012835
Hectares	183.36
Hyperlink	http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0012835

Special Protection Areas (Marine Components GB)

UK Site Code	UK9012091
Site Name	Dungeness, Romney Marsh and Rye Bay
Site Status	SPA
Status	Classified
Country	England inshore
CP2 Region	Eastern Channel
Area (Ha)	42417.533923
Consultation Date	18/10/2016
Classification Date	31/10/2017
Responsible Agency	NE
WDPA Code	555541836
LONG	0.835434
LAT	50.89082

Ramsar Sites (England)
No Features found

Proposed Ramsar Sites (England)
No Features found

Possible Special Areas of Conservation (England)
No Features found

Special Protection Areas (England)
No Features found

Potential Special Protection Areas (England)
No Features found

Special Areas of Conservation (Marine Components GB)
No Features found

Appendix D

Photographs

Photograph 1. Other lowland acid grassland of F1.

Photograph 2. Other neutral grassland F2.1.

Photograph 3. Other neutral grassland F2.2.

Photograph 4. Tree T55 ancient and veteran sweet chestnut.

Photograph 5. Tree with veterancy features in LT1.

Photograph 6. Mature trees in the central part of the Site.

Appendix E

Habitats and Flora Species List

Site Name	Land South of Ashford Road, Sellindge										
Survey Date and Surveyor(s)	21/07/2022 Jeff Turton ACIEEM										
		Habitat Parcel Number/Habitat Type									
Scientific Name	Common Name	F1 Other lowland acid grassland	F2.1 Other neutral grassland	F2.2 Other neutral grassland	H1 Native hedgerow	H2 Native hedgerow	H3 Native hedgerow with trees	H4 Native hedgerow with trees	H5 Native Hedgerow with trees	LT1 Line of trees	Scattered trees
Herb Species											
Arctium lappa	Greater burdock			X							
Ballota nigra	Black horehound										
Cerastium fontanum	Common mouse-ear	X	X								
Cirsium arvense	Creeping thistle	X		X							
Cirsium vulgare	Spear thistle	X	X								
Dipsacus fullonum	Wild Teasel										
Galium aparine	Cleavers	X									
Geranium dissectum	Cut-leaved crane's-bill		X								
Glechoma hederacea	Ground-ivy		X	X							
Helminthotheca echioides	Bristly oxtongue			X							
Iris foetidissima	Stinking iris			X							
Lonicera sp.	Honeysuckle						X	X			
Lotus corniculatus	Common bird's-foot-trefoil	X									
Persicaria maculosa	Redshank										
Polygonum sp.	Knotgrass										
Pulicaria dysenterica	Common fleabane										
Ranunculus bulbosus	Bulbous buttercup	X	X								
Ranunculus repens	Creeping buttercup		X								
Rumex acetosa	Common sorrel	X	X								
Rumex crispus	Curled dock			X							
Senecio jacobaea	Common ragwort		X	X							
Silene dioica	Red campion			X							
Sonchus sp.	Sowthistle			X							
Symphytum sp.	Comfrey			X							
Tripleurospermum inodorum	Scentless mayweed										
Urtica dioica	Common nettle	X	X	X							
Veronica chamaedrys	Germander speedwell		X								
Veronica serpyllifolia	Thyme-leaved speedwell	X									
Sedges and Rushes											
Carex pendula	Pendulous sedge			X							
Luzula campestris	Field wood-rush	X	X								
Grasses											
Agrostis capillaris	Common bent	x									
Agrostis stolonifera	Creeping bent	X	X								
Anthoxanthum odoratum	Sweet vernal-grass	X	x								
Arrhenatherum elatius	False oat-grass			X							
Dactylis glomerata	Cock's-foot	X		X							
Festuca sp.	Fescue	X									
Holcus lanatus	Yorkshire-fog	X	X	X							
Lolium perenne	Perennial rye-grass		X								
Pleioblasus sp.	Bamboo								X		
Trisetum flavescens	Yellow oat-grass	X									
Woody Species											
Coniferous											
Cupressus × leylandii	Leyland cyrpress										
Taxus baccata	Yew									X	
Broadleaved											

Scientific Name	Common Name	Habitat Parcel Number/Habitat Type									
		F1 Other lowland acid grassland	F2.1 Other neutral grassland	F2.2 Other neutral grassland	H1 Native hedgerow	H2 Native hedgerow	H3 Native hedgerow with trees	H4 Native hedgerow with trees	H5 Native Hedgerow with trees	LT1 Line of trees	Scattered trees
Acer campestre	Field maple										
Acer pseudoplatanus	Sycamore					X	X	X	X	X	X
Aesculus hippocastanum	Horse-chestnut										X
Ailanthus altissima	Tree of Heaven								X		
Betula pendula	Silver birch									X	
Carpinus betulus	Hornbeam								X		X
Castanea sativa	Sweet chestnut								X		X
Corylus avellana	Hazel						X	X		X	X
Crataegus monogyna	Hawthorn				X	X	X	X	X	X	X
Fagus sylvatica	Beech				X					X	X
Fagus sylvatica f. purpurea	Copper beech										X
Fraxinus excelsior	Ash					X	X	X	X	X	X
Ilex aquifolium	Holly				X		X	X		X	
Lonicera periclymenum	Honeysuckle				X						
Populus x canadensis	Hybrid black-poplar						X	X			X
Prunus avium	Cherry									X	X
Prunus laurocerasus	Cherry laurel								X		
Prunus spinosa	Blackthorn									X	X
Quercus ilex	Holm oak								X		
Quercus robur	Pedunculate oak						X	X			X
Quercus sp.	Oak									X	
Rubus fruticosus agg.	Bramble			X	X		X	X			
Salix fragilis	Crack willow								X		X
Salix sp.	Willow									X	
Sambucus nigra	Elder					X			X	X	
Sorbus intermedia	Swedish whitebeam										X
Ulmus glabra	Wych elm						X	X			

References

Atherton, I., Bosanquet, S. and Lawley M., 2010. *Mosses and Liverworts of Britain and Ireland - a field guide* . British Bryological Society.

Stace, C. A., 2019. *New Flora of the British Isles* . 4th ed. Suffolk: C & M Floristics.

Appendix F

Evaluation & Assessment Methods

1.1. Ecological features are evaluated and assessed in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) 2018 Guidelines for Ecological Impact Assessment (EcIA). For clarity, the evaluation and assessment process adopted within this EcIA is set out below.

Establishing Potentially Important Ecological Features

1.2. Ecological features are assessed where they are considered to be important, and where they may be impacted by a proposed development. A feature may be considered important for a variety of reasons, such as quality, extent, rarity and/or statutory protection. Table 1 below sets out a non-exhaustive list of ecological features that are typically considered, along with key examples:

Table 1. Potentially important ecological features (adapted from CIEEM 2018)

Potentially Important Ecological Features	**Typical examples**
Statutory designated sites under international conventions or European Legislation	Wetlands of International Importance (Ramsar sites), Special Areas of Conservation (SAC), Special Protection Areas (SPA)
Statutory designated sites under national legislation	Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR, Local Nature Reserves (LNR)
Non-statutory, locally designated wildlife sites	Local Wildlife Sites (LWS), County Wildlife Sites (CWSs), Sites of Importance for Nature Conservation (SINCs)
National biodiversity lists	Habitats or Species of Principal Importance for the Conservation of Biodiversity (Section 41, NERC Act 2006), Ancient Woodland Inventory
Local biodiversity lists	Local Biodiversity Action Plan (BAP) priority species or habitats
Red Listed / Rare Species	Species of conservation concern, Red Data Book (RDB) species, Birds of Conservation Concern, nationally rare and nationally scarce species
Legally Protected Species	E.g. species listed under Sch.5 of the W&C Act 1981, or Sch.2 of the Hag. Regs. 2017
Legally Controlled Species	E.g. species listed under Sch.9 of the W&C Act 1981

1.3. It should also be noted that the social, community, economic or multi-functional importance attributed to ecological features are not assessed as they fall outwith the scope of this assessment.

Establishing Likely Zone of Influence

1.4. 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 project and associated activities. The project's zone of influence varies across different ecological features, which have different vulnerabilities and

sensitivities. For the purposes of this assessment, the following zones were considered:

- International statutory nature conservation designations up to 10km from the Site
- National and local statutory nature conservation designations up to 3km from the Site
- Non-statutory locally designated wildlife sites up to 1km from the Site

1.5. These arbitrary distances are considered sufficient for identifying the nature conservation designations which could be subject to significant effects. However, it is acknowledged that in certain circumstances effects beyond these distances are possible and should be considered as far as is reasonably practicable to do so.

1.6. For other ecological features, such as habitats and species, the appropriate zone of influence is described and justified as appropriate within the report, depending on their respective sensitivity to an environmental change.

1.7. The results of professionally accredited or published scientific studies have been used and referenced, where available, to establish the spatial and temporal limits of the biophysical changes likely to be caused by specific activities, and to justify decisions about the zone of influence.

Geographic Context and Significance Criteria

1.8. The importance of ecological features, as well as the significance of any likely impacts and their effects, are considered here within a defined geographic context:

- International
- National
- Regional
- County
- Local

1.9. The size, conservation status and the quality of features are all relevant in determining their importance and assigning this to the geographic scale. Where the importance of a feature is considered to fall below the Local scale, they are scoped out of detailed assessment.

1.10. Impacts and their effects are taken to be significant where they support or undermine biodiversity conservation objectives, with the scale of significance defined according to the above geographic context. Where an impact or effect is unlikely to be perceptible at a Local scale, this is taken to be not significant.

Characterising Ecological Impacts and their Effects

1.11. Where likely significant ecological impacts and effects are identified in connection with the proposed project, these are considered and described with reference to the following characteristics (where this is helpful in accurately portraying the ecological effect and determining the scale of significance):

- Positive or negative (i.e. does the anticipated change accord with nature conservation policies and objectives?)
- Extent (i.e. the spatial area over which the impact or effect may occur)
- Magnitude (i.e. the quantified size, amount, intensity or volume)
- Duration (i.e. the timeframe over which the impact or effect may occur, in both human and ecological terms)
- Frequency and timing (i.e. the number of times an activity occurs, where this is likely to influence the effect)
- Reversibility (i.e. is spontaneous recovery possible or may the effect be counteracted by mitigation?)

Appendix G

Bat Survey

1.0 Introduction

1.1 This report sets out the methods and results of bat activity transect and static monitoring surveys undertaken at Land South of Ashford Road, Ashford Road, Sellindge (hereafter referred to as 'the Site'), during July, August and September 2022. It also sets out the methods and results of bat emergence surveys undertaken of 'moderate' potential tree T71.

2.0 Legislation

2.1 All British bat species are legally protected under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations make it an offence to:

- Deliberately capture, injure, or kill a bat
- Deliberately disturb bats, impairing their ability to survive, breed, reproduce or rear/nurture their young, or which significantly affects the local distribution or abundance of the species
- Damage or destroy a breeding site or resting place used by bats

2.2 All bats and their roosts in the UK were previously fully protected under the Wildlife & Countryside Act 1981 (as amended). Amendments to the Act have removed most provisions as they relate to bats, however it remains an offence to:

- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection

2.3 It is important to note that bat roosts are protected throughout the year, regardless of whether or not bats are present at the time. Under the Regulations, the offence of damaging or destroying a breeding site or resting place is subject to 'strict liability', i.e. an offence is commented irrespective of whether the causal act was deliberate or otherwise.

2.4 Where development is proposed that would result in an offence under the Regulations, a European Protected Species (EPS) statutory derogation licence (often termed 'EPS Mitigation Licence') will need to be secured from Natural England to permit an act that would otherwise be unlawful. Such a licence can only be granted following receipt of planning permission with all relevant conditions discharged, and where it has been demonstrated that specific statutory derogation tests have been met.

3.0 Methods

3.1 The following survey methods, design, data analysis and interpretation have been undertaken with due consideration of the Bat Conservation Trust (BCT) guidelines 3rd Edition (Collins, 2016).

Activity Surveys

Transect Surveys

3.2 Three transect surveys within Field F2.1 and F2.2 in July, August and September 2022. On each occasion, a randomised transect route aimed to cover all accessible areas, features and habitats at the survey area was walked and was repeated at least once during each survey to minimise temporal bias.

3.3 Each transect was walked at a moderate and consistent speed with qualitative observations of bat behaviour made by the surveyor. Each survey commenced at sunset (British Summer Time), continuing for the following two hours.

3.4 Bat calls were recorded using *Elekon Batlogger M* detectors. This detector automatically records ultrasonic signals with a one second delay between recordings. Recordings of bat contacts were subsequently analysed using *BatExplorer* software, with sonograms reviewed to confirm bat identification to genera, or where possible, species level.

3.5 Each of the recorded files, which contain a variable number of call 'pulses', was designated a 'bat contact'. At the point of contact, each sound file is assigned a GPS location.

3.6 Transect surveys are intended to gather data on the spatial distribution of bat activity across the Site, identifying areas of relative importance for bats, including key flight lines. In addition direct observation of bats allows for qualitative assessments of how bats use the Site to be made complementing quantitative data collected through remote monitoring.

Remote Monitoring

3.7 Two *Wildlife Acoustics Songmeter* (SM4) detectors were deployed during the months of July, August and September 2022, to provide a total of twelve datasets. The locations of each Monitoring Location (ML) are shown on Figure 1, below.

Figure 1. The locations of each Monitoring Location (ML) surveyed during remote monitoring surveys in July, August and September 2022 (ML1 and ML2).

3.8 The detectors were setup to automatically record ultrasonic signals for the period from half an hour before sunset to half an hour after sunrise each night, with each monitoring period spanning at least five consecutive nights.

3.9 Weather conditions were obtained for each night surveyed using historic weather data from the World Weather Online website, with weather observations taken from the nearest weather station in Lydd. The five nights showing the most optimal weather conditions (in terms of temperature, precipitation and wind speed, see Table 1) were taken forward for analysis.

3.10 Recordings are triggered when a bat echolocation call is detected and will contain a variable number of call 'pulses'. Each file containing call pulses by a bat/s is designated as a 'bat contact' for each species present. The maximum recording duration is 15 seconds after which time a new recording file, and thus a new bat contact, is generated if

echolocation calls are still being detected. This means that periods of prolonged bat activity near a detector is represented as multiple bat contacts, rather than a single one.

3.11 Recorded bat calls were analysed using the specialist software *AnalookW* to identify the species present. Quantitative analysis of bat activity was then undertaken by calculating the average bat contacts per hour on each night monitored, for each species.

3.12 Bat activity can show considerable inter-night variability and is dependent on a number of variables, including temperature, wind, and seasonality, amongst others. To account for this variability the median values for the average hourly bat contacts per night are reported, rather than a mean value which would misrepresent the average activity.

Limitations

3.13 It should be noted that the findings described herein for remote monitoring surveys are based on the bat activity recorded at the location immediate to each detector, and therefore only describe localised activity at the Site.

3.14 In addition, comparisons drawn on the number of detector activations by different species/genera can only give an indication of relative species abundance at the Site, as detectability varies between species.

3.15 It is acknowledged that the quantum of bat contacts recorded during a survey may not give a true reflection of the abundance of bats using the Site. For example, a single bat foraging close to a detector may trigger several hundred activations in the course of one night. However, this activity level does provide a proxy for the level of use by bats, and therefore its relative importance.

3.16 Activity surveys should typically be spread out to cover spring (April/May), summer (June/July/August) and autumn (September/October) seasons. Due to the time of year ecological survey work commenced, it was not possible to complete a spring transect survey and remote monitoring period. To compensate for this, additional sets of activity surveys were completed in the summer period (July and August).

<u>Roost Surveys</u>

3.17 Two emergence surveys were undertaken in September 2023 to confirm the presence/likely absence of roosting bats in association with the on-site tree. In addition, the surveys aim to determine the character of any identified roosts, namely species present, number of roost bats and roost type (i.e. day, night feeding, transitory).

3.18 The dusk emergence surveys were undertaken for approximately 1.5 hours following British Summer Time (BST) sunset, with due consideration for the BCT good practice guidelines. The surveys were carried out by

Jeff Turton ACIEEM (Natural England Class Licence WML-CL17, Registration Number 2021-53470-CLS-CLS), Charlie Vaughan-Jones (Natural England Class Licence WML-CL17, Registration Number 2022-10755-CL17-BAT), Jessica Raynor MCIEEM (Natural England Class Licence WML-CL18, Registration Number 2020-44643-CLS-CLS) and Kate Wolstenholme ACIEEM in suitable weather conditions (see Table 6).

3.19 During the survey, the surveyors watched for any bats leaving or entering parts of the tree or using key flight lines, equipped with hand-held Batlogger M detectors to assist in determining species of bat and any associated behaviour. A note was made of all bat passes, along with the time, species and any information regarding behaviour, including direction of flight, and activity e.g. foraging/commuting.

3.20 Two infrared video camera rigs (Sony Handycam HDR SR5E) were used to film any bats entering/emerging from T71, and these were positioned directly in front of the surveyors to film their view and aid their survey when conditions became too dark to see.

3.21 Following the survey all bat calls were downloaded from the detectors and analysed using BatExplorer to enable species identification, where possible, and quantitative analysis of the data.

Limitations

4.0 It is acknowledged that, while the correct number of surveys for a 'moderate' potential tree were carried out within the bat survey season and spaced two weeks apart, at least one of these surveys did not take place within the maternity season and as such a maternity roost could not have been detected. However, the results of the survey suggest that this would have been an unlikely finding, the features of the tree are not considered to provide good maternity roost potential, and no evidence of use by roosting bats was recorded when inspecting the tree after the surveys, such as droppings.

5.0 Results

Activity Surveys

Transect Surveys

5.1 The weather conditions experienced during the transect surveys are provided in Table 1, below.

Table 1. Bat transect survey timings and weather conditions in 2021 and 2022.

Survey Date	Sunset Time	Start Time	End Time	Temp. (°C)		Cloud Cover (oktas)		Wind (Beaufort Scale)		Precipi-tation
				Start	End	Start	End	Start	End	
11/07/22	21:09	21:09	23:09	22	18	6	6	0	0	None
09/08/22	20:30	20:30	22:30	18	17	1	0	2	1	None
12/09/22	19:18	19:18	21:18	23	21	8	8	0	0	Light intermittent drizzle

5.2 At least four species of bat have been recorded at the Site during the transect surveys, comprising common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus,* brown long-eared bat *Plecitus auritus* and unspecified bats of the *Myotis* genus. Common pipistrelle were by far the most recorded species, accounting for 84.39% of passes recoded.

5.3 The number of bat contacts recorded for each species are summarised in Table 2, below. The locations of each bat contact and the overall distribution of activity across the Site are illustrated in Figures 2 and 3, overleaf.

Table 2. Summary of bat contacts recorded during transect surveys

Month /Year	Common pipistrelle	Soprano pipistrelle	*Myotis* Species	Brown long-eared
July 2022	57	0	2	1
Aug 2022	112	12	0	0
Sep 2022	58	28	0	0
Total	**227**	**39**	**2**	**1**
Percentage of Total (%)	**84.39%**	**14.50%**	**0.74%**	**0.37%**

Figure 2. Locations of bat contacts recorded across all transect surveys

5.4 Figures 2 and 3 demonstrate that the majority of on-site activity identified during the transect surveys was recorded at the north-east of the Site, where habitats include the mature treeline (H13 on the Habitats Plan; CSA/4509/107/A), hedgerows (H10 & H11) and scattered trees, which provide suitable foraging opportunities and key flight lines. It is also considered likely that nearby roosting habitat may be present within the suitable off-site properties/structures in proximity to this region of the Site. A relative hotspot of activity is also shown in proximity to the treeline at the south-west of the Site (LT3). Lower levels of activity were recorded within the centre of the Site.

Figure 3. Indicative 'Utilisation Distribution' (UD) of all bat species/genera at the Site estimated from all transect data combined. The UD illustrates the relative probability of a bat in flight being present at a given point at the Site, with higher/central contours having a greater probability, and lower/peripheral contours having less probability.

Remote monitoring

5.5 The weather conditions experienced during the five nights where data were analysed are provided in Table 3, below.

5.6 Periods of light rain throughout the July 2021 monitoring period may have marginally affected the bat activity recorded. However, given that these were only short periods of light rain it is considered unlikely that this would have dramatically affected bat activity and that the activity recorded is typical for the Site at this time of year.

Table 3. Overnight weather conditions during remote monitoring

Survey Month	Dates Sampled	Temp. (°C)		Cloud Cover (%)		Wind (km/h)		Precipitation
		Min	Max	Min	Max	Min	Max	
July	12/07	21	21	29	50	3	16	None
July	13/07	15	17	0	83	6	13	None

July	14/07	12	15	7	23	2	14	None
July	15/07	14	19	3	23	12	14	None
July	16/07	14	17	4	9	2	13	None
Aug	04/08	14	18	24	26	12	26	None
Aug	05/08	13	14	6	33	4	9	None
Aug	06/08	12	15	7	8	4	8	None
Aug	07/08	14	16	0	4	6	9	None
Aug	08/08	15	17	3	12	8	10	None
Sept	15/09	13	15	45	72	10	13	None
Sept	16/09	9	11	6	76	26	31	None
Sept	17/09	10	10	3	97	10	36	None
Sept	18/09	9	12	0	26	13	20	None
Sept	19/09	11	14	3	75	1	7	None

5.7 The total number of bat contacts recorded across all monitoring locations and monitoring periods for each bat species/genera are provided in Figure 4 and Table 4, overleaf.

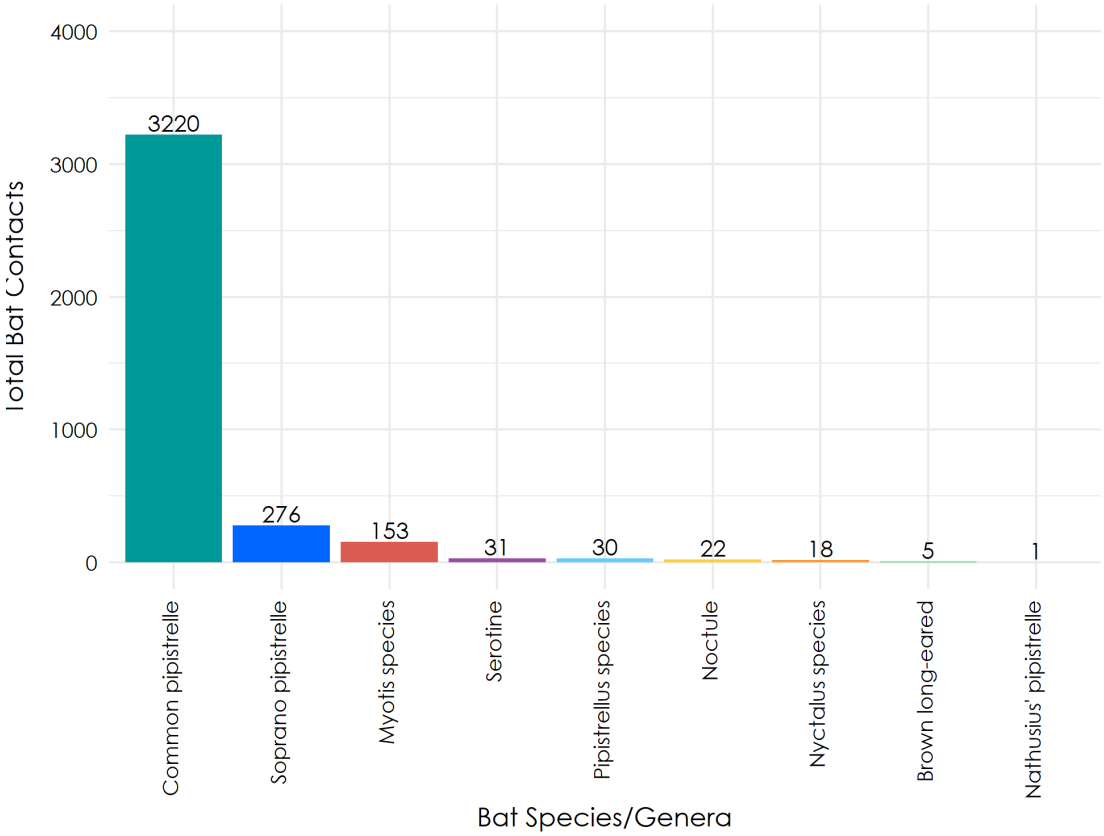


Figure 4. Total bat contacts by species/genera recorded across all remote monitoring periods and monitoring locations

Table 4. Summary of bat contacts recorded during static surveys

MONTH / YEAR	Brown long-eared	Common pipistrelle	*Myotis* species	Nathusius' pipistrelle	Noctule	*Nyctalus* species	*Pipistrellus* species	Serotine	Soprano pipistrelle
July 2022	1	1779	2	0	9	10	26	31	78
Aug 2022	1	933	27	0	8	7	3	0	158
Sept 2022	3	508	124	1	5	1	1	0	40
Total	***5***	**3220**	**231**	**1**	**22**	**18**	**30**	**31**	**276**

5.8 Remote monitoring captured a greater range of bat species at the Site than did the transect surveys; additional species include Nathusius' pipistrelle *Pipistrellus nathusii* and the 'big bats': noctule *Nyctalus noctule* and serotine *Eptesicus serotinus*. Nonetheless, activity remained strongly dominated by common pipistrelle.

5.9 Figures 5 show the variance in nightly activity levels for each of these bat species recorded on-site. More detailed data describing Figures 5 are provided in Table 5.

5.10 The activity data in Figures 5 is presented as boxplots for each bat species, which show the inter-night variability in bat activity across the nights monitored. The median value (middle line of the boxplot) is taken as the typical level of activity for that species on-site at the point monitored. The length of each coloured boxplot is the interquartile range which shows the variance in nightly activity around the median value. The ends of each whisker line define the minimum and maximum nightly activity values recorded at the monitoring location. Outlying values are nightly activity levels that are greatly different when compared to the distribution of the remaining nightly activity levels. Outliers are illustrated as black points away from the boxplot. While important to note, these outliers do not represent the bat activity more commonly found at the Site for the species in question.

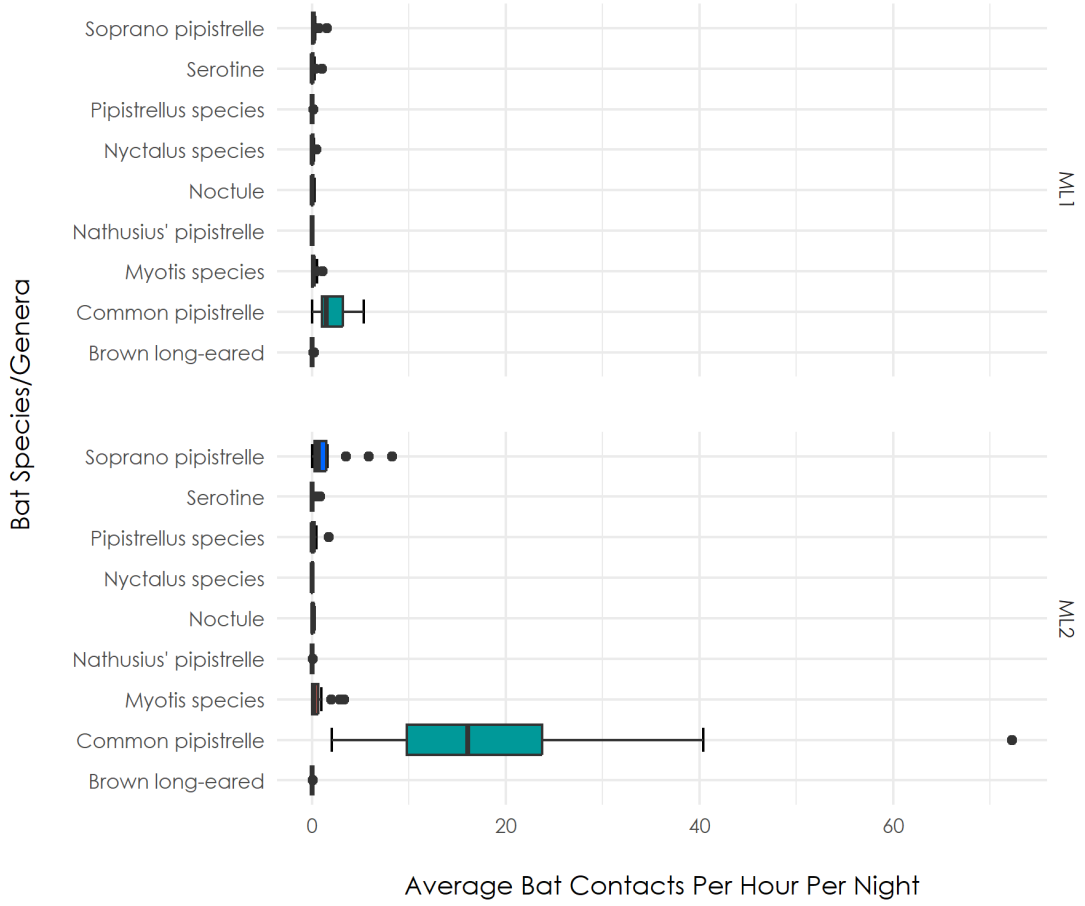


Figure 5. Average bat contacts per hour per night for bat species/genera (excluding common and soprano pipistrelles) recorded across all remote monitoring

5.11 Average nightly activity for common pipistrelle was greatest at Monitoring Location ML2 (at the north-east of the Site) where a median of 16 passes an hour was recorded. Highest levels of activity in this region of the Site were also recorded during the transect surveys.

5.12 As shown in Figure 6, amongst the remaining species, average nightly activity was higher among soprano pipistrelle at both Monitoring Locations and especially at ML2, where a median of 0.6 passes an hour was recorded. A median of just under 0.2 passes per hour by *Myotis* sp. bats was recorded at ML4.

5.13 However, what is clear is that overall generally rather low bat activity from the remaining species has been recorded at the Site during the remote monitoring.

Table 5. Average bat contacts per hour per night recorded during remote monitoring surveys

ML	Species	Average bat contacts per hour per night				Total bat contacts	Number of nights monitored
		Minimum	Maximum	Median	IQ range		
ML1	Brown long-eared	0.000	0.158	0.000	0.000	4	5
	Common pipistrelle	0.000	5.300	1.466	2.193	310	5
	Myotis species	0.000	1.097	0.100	0.202	30	5
	Nathusius' pipistrelle	0.000	0.000	0.000	0.000	0	5
	Noctule	0.000	0.227	0.000	0.101	10	5
	Nyctalus species	0.000	0.453	0.000	0.107	13	5
	Pipistrellus species	0.000	0.102	0.000	0.000	2	5
	Serotine	0.000	1.019	0.000	0.113	17	5
	Soprano pipistrelle	0.000	1.496	0.101	0.271	35	5
ML2	Brown long-eared	0.000	0.080	0.000	0.000	1	5
	Common pipistrelle	2.011	72.291	16.093	13.959	2910	5
	Myotis species	0.000	3.325	0.199	0.601	123	5
	Nathusius' pipistrelle	0.000	0.081	0.000	0.000	1	5
	Noctule	0.000	0.227	0.080	0.136	12	5
	Nyctalus species	0.000	0.114	0.000	0.090	5	5
	Pipistrellus species	0.000	1.691	0.000	0.227	28	5
	Serotine	0.000	0.793	0.000	0.000	14	5
	Soprano pipistrelle	0.000	8.275	0.600	1.207	241	5

Roost Surveys

5.14 No bats of any species were seen by the surveyors or filmed by the infrared camera rigs to emerge from T71 across both surveys.

5.15 The calls of two bat species were recorded during the survey: common pipistrelle *Pipistrellus pipistrellus* and soprano pipistrelle *Pipistrellus pygmaeus.* However, activity was generally noted to be low.

Table 6. Bat roost presence/absence survey timings and weather conditions

Survey Date	Sunset Time	Start Time	End Time	Temp. (°C)		Cloud Cover (oktas)		Wind (Beaufort Scale)		Precipitation
				Start	End	Start	End	Start	End	
07/09/23	19:29	19:14	20:59	23	21	0	0	0	0	None
25/09/23	18:48	18:33	20:18	17	14	4	7	2	1	None

6.0 Summary

6.1 A relatively common assemblage of bat species has been recorded across the Site, with low numbers of rarer species recorded such as *Myotis* species. Common pipistrelle bats accounted for the majority of bat contacts. Hotspots of activity have been identified within the north-east of the Site, where habitats including mature treelines and scattered trees provide suitable foraging opportunities and key flight lines; while less frequent activity has been recorded across the remainder of the Site.

6.2 Two emergence surveys were undertaken of T71. No bat roosts were identified and little activity in the vicinity was recorded.

Appendix H

Breeding Bird Survey

1.0 Introduction

1.1 This appendix provides the methods and results of breeding bird surveys carried out at Land South of Ashford Road, Sellindge.

2.0 Legislation

2.1 All wild birds, their nests and eggs are protected under subsection 1(1) of the Wildlife and Countryside Act 1981 (as amended). It is an offence to kill or injure any wild bird, to take or destroy their eggs, or to take, damage or destroy their nests while in use or being built.

2.2 In addition, certain species of wild bird, listed within Schedule 1 of the Wildlife and Countryside Act, receive additional protection under subsection 1(5) of the Act. This makes it an offence to disturb any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young. It is also an offence to disturb the dependent young of such a bird.

2.3 Consideration is also taken of Birds of Conservation Concern ('BoCC 5') (Stanbury *et al.*, 2021) which assigns bird species to a Red, Amber or Green list depending on factors such as their rarity, importance in an international context and severity of declines in population or range. Species on the Red list are of greatest conservation concern whilst those on the Green list do not fulfil any of the BoCC assessment criteria and are not currently of conservation interest. Full details can be found in Stanbury *et al.* (2021).

3.0 Methods

Breeding Birds

3.1 A total of four breeding bird surveys, including one dusk visit, were carried out by Nancy Inman ACIEEM between 24 May 2023 and 04 July 2023 to gain an understanding of the breeding bird assemblage at the site. Surveys were conducted with the following aims:

- To determine the potential for breeding species of birds across the survey area;
- To review the rarity and conservation status of each species found;
- To review the likely breeding potential within the habitats present;
- To assess the impacts of the proposed developments with regards to the species/ likely species determined; and
- To recommend appropriate mitigation and protection measures where necessary.

3.2 The survey area included all accessible areas of the Site and immediately adjacent land visible from the Site. On each survey the surveyor walked a slow route across the whole site which ensured that both species of open and boundary habitats would be detected.

Alternative versions of the route were taken on each visit so that different parts of the site would be surveyed at different parts of the morning, thus avoiding temporal bias associated with bird activity. Each survey commenced before/at/shortly after dawn, when birds are most active, and continued for approximately one hour during suitable weather conditions. Dusk surveys commenced at/shortly after dusk and continued for approximately one hour during suitable weather conditions. Birds were detected by sound or sight, using a pair of 10 x 42 binoculars.

3.3 The survey methodology used considers the recommended mapping conventions given within the Bird Survey Guidelines published by the Bird Steering and Assessment Group (2022). All birds detected at the site were recorded using standardised codes to map their distribution and behaviour, and to differentiate between individuals for the purposes of territory mapping (adapted from the standard Common Birds Census method). A full map of all species is created for each survey visit, with a consolidated map of priority species created for all survey visits combined.

3.4 Priority species are classified using the following hierarchy:

1) Species listed under Schedule 1 of the Wildlife and Countryside Act 1981(as amended);
2) Species listed under Section 41 of the Natural Environment and Rural Communities Act 2006;
3) Red & Amber listed by the 5th Birds of Conservation Concern Review (Stanbury *et al*, 2021).
4) Localised or highly specialised species regardless of inclusion above (e.g. crossbill in coniferous woodland);
5) Nationally- or locally-declining species regardless of inclusion above
6) Colonial nests or roost sites containing more than one individual of any species; or,
7) Exceptional counts or aggregations of any species.

3.5 On each survey visit the following objectives were met:

- Identification of potential breeding species within the habitats present;
- Identification of all birds seen and heard;
- Breeding status of each bird seen and heard;
- Total numbers of birds, including juveniles recorded.

3.6 The criteria used during the 'Bird Atlas' surveys of 2007-2011 were used to ascertain the breeding status of birds at the Site (as given in Table 1 below).

Table 1. Categories of Breeding Bird Evidence

Breeding Status Categories	Evidence Criteria
Confirmed breeding:	• Distraction display or injury feigning • Used nests or eggshells found (occupied or laid within the survey period) • Recently fledged young or downy young • Adults entering or leaving a nest site in circumstances indicating occupied • Nest or an adult sitting on nest • Adults carrying food for young or faecal sacs • Nest containing eggs • Nest with young seen or heard
Probable breeding:	• Pairs observed in suitable nesting habitat in breeding season • Permanent territory presumed through registration or territorial behaviour (song etc.) on at least two different days, a week apart, at the same place • Display and courtship • Visiting probable nest site • Agitated behaviour or anxiety calls from adults • Building nest or excavating nest hole
Possible breeding:	• Species observed in breeding season in possible nesting habitat • Singing male(s) present or breeding calls heard in breeding season

Limitations

3.7 Only a proportion of individuals of each species will be detected on each visit, and some particularly secretive or low-density species, can be elusive and require several visits to detect. Furthermore, the importance of a site for birds can change depending on factors such as food availability, presence of roosting/nesting features and weather conditions.

Evaluation

3.8 The importance of the breeding bird assemblage at the Site was assessed using the criteria suggested by Fuller (1980) (see Table 2 below).

Table 2. Assessment criteria for breeding bird assemblage at a Site

Importance	Number of Breeding Species
Local	25-49
County	50-69
Regional	70-84
National	85+

Limitations

3.9 Only a proportion of individuals of each species will be detected on each visit, and some particularly secretive or low-density species, can be elusive and require several visits to detect. Furthermore, the importance of a site for birds can change depending on factors such as food availability, presence of roosting/nesting features and weather conditions.

Evaluation

3.10 The importance of the wintering bird assemblage on the site was assessed using the criteria suggested by Fuller (1980) (see Table 3 below).

4.0 Results

Breeding Birds

4.1 The weather conditions during the breeding bird surveys are summarised in Table 3 below.

Table 3. Weather conditions for breeding bird surveys

Date	Start time	End time	Temp (°C)		Cloud (Oktas)		Wind (Beaufort scale)		Precipitation
			Start	End	Start	End	Start	End	
24/05/23	05:03	06:00	7	7	3	2	0	0	None
07/06/23	05:20	06:18	10	11	8	8	3	3	None
22/06/23	21:02	21:45	16	16	2	8	1	0	None
04/07/23	05:07	06:00	11	11	3	7	1	2	None

4.2 A total of 28 species were recorded on or adjacent to the survey area during the surveys. The full results of the breeding bird survey are presented at the end of this report in Table 5. The Breeding Bird Survey Plan (CSA/4509/125) shows a consolidated map from the four survey visits, highlighting suspected territories for priority species and other notable sightings.

4.3 Of these, 26 species were recorded to have a breeding status of either 'confirmed', 'probable' or 'possible' and are thus considered as breeding species. The remaining two species were either recorded flying over the Site only, or there is no suitable breeding habitat to support these species.

4.4 A total of 13 priority species were recorded, as summarised in Table 5 below.

Table 4. Priority bird species recorded breeding at the Site during the breeding bird surveys

Species	BoCC 2021 Red/Amber	Section 41	Sch1	Other Reason	Breeding Status
Chaffinch	Green			Species shown significant regional declines in the south-east in recent years (BTO, 2021)	Possible
Dunnock	Amber	●			Possible

Greenfinch	Red				Probable
Herring gull	Red	●			Non-breeding
Linnet	Red	●			Possible
Mallard	Amber				Possible
Moorhen	Amber				Confirmed off-site
Rook	Amber				Confirmed
Song thrush	Amber	●			Probable
Sparrowhawk	Amber				Non-breeding
Starling	Red	●			Confirmed off-site
Wood pigeon	Amber				Confirmed
Wren	Amber	●			Probable

Abbreviations:
BOCC Red List: Red List of Birds of Conservation Concern 5
Section 41: Listed as a priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006
Sch1: Schedule 1 (Part 1) of the Wildlife and Countryside Act 1981

4.5 Few species were recorded foraging within the Site's grassland habitats. These were limited to starling *Sturnus vulgaris*, and herring gull *Larus argentatus*, in addition to non-notable species such as blackbird *Turdus merula*. Starling were recorded in small of groups of up to seven individuals, flying from the centre of the field to the field boundaries when disturbed. They were also recorded in larger numbers calling loudly from the residential area to the east of the Site, where they appeared to enter nests located within building cavities. Though they are confirmed to be nesting in buildings off-Site, there are not considered to be suitable nesting opportunities for starlings on-Site, with the grassland field appearing to provide some foraging opportunities for this species. Herring gull were primarily recorded flying over the Site in low numbers, however one was recorded foraging within on-Site grassland before flying off-Site to the south. The Site is considered likely to provide an opportunistic foraging resource for this species, but it is not likely to be a key resource. No evidence was noted of herring gulls nesting on nearby residential properties, and there are no on-site opportunities.

4.6 The Site supported high levels of corvid activity, including groups of rook *Corvus frugilegus* which formed mixed roosts with jackdaw *Corvus monedula*. Roosts were located in trees just north of the Site, in addition to along the northern Site boundary, and along the eastern boundary. A total of four confirmed rook nests, with pairs of adults, were noted along this northern boundary, however rooks recorded along the eastern boundary, with peak counts of 30, did not appear to be associated with any nests. These are likely immature or non-breeding birds that utilise the Site for roosting only (Coombs, 1961). During the dusk survey, the majority of these birds left the Site, joining a flock of c. 60 birds flying over the Site. The rookery to the north of the Site is likely used for breeding due to the presence of a number of rooks mixed with jackdaw throughout both dusk and dawn surveys, however the exact number of

nesting individuals is not known as the trees were largely obscured and no count of active nests could be made. Despite their presence within the Site's boundaries, no rooks were observed feeding within the grassland habitats on-Site.

4.7 The Site's boundaries, consisting of hedgerows, scattered trees and treelines, in addition to mature gardens with dense vegetation and mature shrubs, supported the highest levels of bird activity. Species recorded here include chaffinch *Fringilla coelebs*, dunnock *Prunella modularis*, greenfinch *Chloris chloris*, linnet *Linaria cannabina*, song thrush *Turdus philomelos*, wood pigeon *Columba palumbus*, and wren *Troglodytes troglodytes*. Although linnet were recorded utilising on-Site hedgerows in peak counts of four, they were primarily recorded flying directly over the Site. This species was confirmed to be breeding in fields adjacent to the west of the Site where dense scrub provides suitable nesting opportunities, however habitats present on-Site are more limited for both nesting and foraging birds and activity levels here were much lower. Chaffinch, dunnock, greenfinch, song thrush, wood pigeon and wren were all recorded in relatively low numbers, distributed across Site boundaries, where they likely use the boundary vegetation for both foraging and breeding. They also favoured the garden habitats near the centre of the Site.

4.8 A large pond lies to the north of the Site, outside of the Site boundary; however, it was largely obscured by vegetation and not visible from the survey area. One moorhen *Gallinula chloropus*, was recorded calling from this area, due to the size of the pond and the suitability of the riparian vegetation, it is considered probably breeding. A pair of moorhen, along with three juveniles, were confirmed to be breeding in another pond, just off-Site to the north. The habitats present on-Site may provide limited foraging opportunities for moorhen, however they were only observed utilising off-Site aquatic habitats. Mallard *Anas platyrhynchos*, were recorded flying over the Site only, however, this species were recorded utilising off-Site ponds during the course of other survey work undertaken in 2023, they may also use the ponds adjacent to the Site for foraging. There is potential for mallard to be breeding at ponds immediately surrounding, and near the centre of the Site, but they are considered unlikely to use habitats on-Site as a key foraging resource.

4.9 A single sparrowhawk *Accipiter nisus* was recorded flying over the Site only. This species may predate on birds or small mammals within the Site; however it is not considered likely to be breeding on-Site.

5.0 Summary

5.1 In summary, breeding was confirmed on-site for nine species. A further five species are probably breeding and twelve are possibly breeding (see Table 6 below). This gives a total of 26 breeding species which, in

accordance with Fuller (1980), is considered to be of ecological importance at the Local Level. A total of thirteen species of conservation significance were recorded, which are typical of hedgerow and scrub habitats found at the site and locally.

Table 6. Breeding bird survey results

Common name	Latin name	Conservation Status	Breeding Status	Survey Date				Notes
				24/05/2023	07/06/2023	22/06/2023	04/07/2023	
Blackbird	*Turdus merula*	Green	Confirmed	x	x	x	x	Widespread across the Site, including singing and calling birds, as well as individuals foraging in boundaries and within grassland field
Blackcap	*Sylvia atricapilla*	Green	Probable	x	x		x	Behaviour included calling and singing birds, with a likely two territories being recorded. One within the garden of the house to the centre of the Site and another along the northern boundary
Blue tit	*Cyanistes caeruleus*	Green	Probable	x	x	x	x	Noted across the Site boundaries calling singing. Individual carrying nest material seen entering a cavity in a scot's pine near the northern boundary
Buzzard	*Buteo buteo*	Green	Confirmed	x	x	x	x	Between one and two individuals noted on all surveys, primarily flying between trees within the north of the Site and calling. Considered likely nesting in some trees just off-Site to the north
Carrion crow	*Corvus corone*	Green	Possible		x		x	Noted foraging within the field, in peak counts of three, with additional individuals noted flying over the Site only
Chaffinch	*Fringilla coelebs*	**Green**	Possible	x	x			One individual noted on two occasions, singing in the garden of the house near the centre of the Site
Chiffchaff	*Phylloscopus collybita*	Green	Possible	x				One noted on two occasions to the centre of the Site, near to the central garden and the large pond
Collared dove	*Streptopelia decaocto*	Green	Probable	x	x		x	Primarily recorded near the residential areas to the south of the Site, with other individuals flying from the north-west corner of the Site northwards
Dunnock	*Prunella modularis*	**Amber, S41**	Possible		x			One noted on the northern hedgerow, not calling or singing
Feral pigeon	*Columba livia domestica*	Green	Possible	x			x	Recorded flying over the Site only, in low numbers of between one and two
Goldcrest	*Regulus regulus*	Green	Possible		x			Recorded on the eastern boundary of the central house, before flying off-Site to the east without being seen to land
Goldfinch	*Carduelis carduelis*	Green	Possible	x				Recorded flying over the Site on one survey
Great tit	*Parus major*	Green	Confirmed	x	x		x	Recorded singing/calling frequently near the pond near the central house. A family consisting of two adults and two juveniles were noted here on the final survey
Green woodpecker	*Picus viridis*	Green	Possible		x			One recorded foraging in the field just to the south of the Site
Greenfinch	*Chloris chloris*	**Red**	Possible	x	x	x	x	Peak counts of two individuals, frequently noted across Site boundaries but primarily near the garden to the centre of the Site
Herring Gull	*Larus argentatus*	**Red, S41**	Non-breeding		x	x	x	Peak counts of four flyovers, in addition to one individual foraging within the grassland field before flying off-Site southwards
Jackdaw	*Corvus monedula*	Green	Confirmed	x	x	x	x	Frequently recorded roosting amongst rooks in field boundaries (hedgerows and treelines) in peak counts of c. 20 birds. Also recorded amongst rooks in a roost off-Site to the north. A confirmed nest noted in the northern boundary. Birds also noted foraging along gravel drive and flying around the garden
Jay	*Garrulus glandarius*	Green	Possible		x			One heard calling off-Site to the north
Linnet	*Linaria cannabina*	**Red, S41**	Possible	x	x			Recorded in hedgerow to the south of the Site, in addition to flying directly over the Site, in peak counts of four birds
Mallard	*Anas platyrhynchos*	**Amber**	Possible				x	One flew over the Site, not seen to land
Moorhen	*Gallinula chloropus*	**Amber**	Confirmed off-site			x	x	A family of moorhen, including three juveniles and two adults was recorded in the pond off-Site to the north, another bird was heard calling on a different occasion from the pond near the centre of the Site
Robin	*Erithacus rubecula*	Green	Confirmed	x	x	x	x	Noted across Site boundaries, foraging, calling singing. One bird noted carrying food along the western boundary

Common name	Latin name	Conservation Status	Breeding Status	Survey Date				Notes
				24/05/2023	07/06/2023	22/06/2023	04/07/2023	
Rook	*Corvus frugilegus*	**Amber**	Confirmed	x	x	x		A total of four confirmed rook nests, with pairs of adults, were noted along northern hedgerow. The remainder of the rook activity included peak counts of thirty rook mixed in with jackdaw, these birds joined a flock of c. 60 birds flying over the Site. There is an additional rookery to the north of the Site I(also mixed with jackdaw), which may be used for breeding
Song thrush	*Turdus philomelos*	**Amber, S41**	Probable	x	x	x	x	Frequently recorded, with two individuals being noted on all surveys. One territory likely present near the central garden and another just off-Site to the north
Sparrowhawk	*Accipiter nisus*	**Amber**	Non-breeding			x		One flew directly over the Site, not seen to land
Starling	*Sturnus vulgaris*	**Red, S41**	Confirmed off-site	x	x		x	Confirmed nesting within buildings off-Site to the south-east, with small groups of up to seven individuals also foraging within grassland in the west of the Site, and flying between trees along the treeline
Woodpigeon	*Columba palumbus*	**Amber**	Confirmed	x	x	x	x	Widespread and abundant across Site, with two confirmed nests in trees near the centre, as indicated by nest calling behaviour. Elsewhere singing and calling within Site boundaries
Wren	*Troglodytes troglodytes*	**Amber**	Probable	x	x	x	x	Recorded across Site boundaries, as well as within the garden habitat to the centre of the Site
TOTAL SPECIES: 28		-						

0 50 100metres

N

- Site boundary
- X — Likely territory
- X. — Registration (non-cornfirmed territory)
- X→ — Bird in flight
- X* — Bird on nest
- X col — Colony of birds
- X fam — Adults with juveniles
- X — Bird performing display flight

Notable Species List

Red list

GR - Greenfinch
HG - Herring gull
Li - Linnet
SG - Starling

Amber list

D. - Dunnock
MH - Moorhen
SG - Starling
WP - Woodpigeon
WR - Wren

Green list

CH - Chaffinch *

Additional Non-Breeding Notable Species and max. seen on single visit

Ma - Mallard (1)
SH -Sparrowhawk (1)
Ma - Mallard (1)

† Birds of Conservation Concern ('BoCC 5') (Stanbury et al., 2021)

* British species not currently Red or Amber-listed which have undergone significant national declines recently

NB - only notable bird species shown for clarity.

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Project	Land South of Ashford Road, Sellindge	Date	August 2023	Drawing No.	CSA/4509/125
Drawing Title	Breeding Bird Survey Plan	Scale	Refer to scale	Rev	-
Client	Gladman Developments Ltd	Drawn	NI	Checked	KK

Appendix I

Reptile Survey

1.0 Introduction

1.1 This report has been prepared on behalf of Gladman Developments to provide details of reptile survey work undertaken at Land South of Ashford Road, Sellindge (hereafter 'the Site'). Its purpose is to inform an Ecological Impact Assessment of development at the Site.

2.0 Legislation

2.1 All native British reptile species are listed within Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and are afforded protection against killing and injury under parts of sub-section 9(1) of the Act. In addition, all native British reptile species are adopted as Species of Principal Importance for the Conservation of Biodiversity in England in respect of Section 41 of the Natural Environment and Rural Communities Act 2006.

3.0 Methods

3.1 Reptile refugia, comprising rectangles of roofing felt measuring 1.0 x 0.5m, were installed in suitable habitat at the Site. Reptile refugia were checked following an initial 2-week 'bedding-in' period. Surveys were carried out on seven occasions during favourable weather conditions (e.g. intermittent or hazy sunshine, not too windy, sunny spells following wet or cloudy weather). See the Reptile Survey Plan CSA/4509/127 for an illustration of where the refugia were placed.

3.2 Each survey visit comprised a slow walk of the Site to visually and physically check refugia for the presence of reptiles. On each occasion a watching brief was also maintained for any reptiles elsewhere on Site, whilst walking between refugia locations.

3.3 A total of 66 reptile refugia were installed in grassland habitat within fields F1, F2.1 and F2.2 on 18 August 2022 by Jeff Turton ACIEEM and Alex Marlow. Surveys occurred between 02 and 20 September 2022.

3.4 The primary aim of the reptile survey was to establish the presence or likely absence of widespread reptile species within the survey area, rather than to estimate abundance or population size. To this end, seven survey checks, an effort generally considered 'reasonable effort' in establishing the presence or likely absence of reptiles at a Site, were carried out in both parts of the Site.

3.5 Given the inherent problems in detecting reptiles, greater survey effort and/or identification or marking of individuals would be required to establish the actual or relative abundance of reptile populations. However, as reptiles are confirmed to be present and mitigation action is required, an approximation of population size is useful in guiding reptile mitigation strategies and has therefore been reported below.

3.6 There are several published methods for broadly 'categorising' reptile population sizes in the UK, with the most commonly employed by ecological consultants being HGBI (1998), Froglife (1999) and/or Natural England (2011 [now rescinded]). These three approaches vary in their application, assumptions and limitations, and therefore outputs have been reported for all three methods for comparison below.

Limitations

3.7 The three metrics referenced below, HGBI (1998), Froglife (1999) and/or Natural England (2011; now rescinded), rely on varying proxies to calculate/estimate reptile populations. The HGBI categories are based on adult population densities, as opposed to peak counts. Moreover, the categorisation by HGBI is intended to inform capture effort for translocation exercises and, therefore, is not directly applicable to providing a population size class estimate, though it is widely applied within the industry for this purpose.

3.8 The Froglife method is based on peak adult counts where surveys have used refugia densities of 10 per hectare. Surveys carried out by CSA used densities of c. 22 per ha of suitable reptile habitat to maximise site coverage and opportunities to confirm the presence or likely absence of reptiles.

3.9 In general, the peak months to survey for reptiles are April and May, although late August and late September can be useful for seeing juvenile reptiles (Froglife, 2020). Generally it is considered best to spread survey visits across a whole season.

3.10 It was noted during the check on 17 September 2022 that field F2.1 had been mown and as a result eight refugia had been destroyed. This is not considered a significant limitation to the survey as seven refugia still remained in this part of the Site and the density of refugia deployed was above that recommended by Froglife (2020), which is 10 refugia per hectare.

4.0 Results

4.1 No reptiles were found during the surveys of F1, F2.1 and F2.2 in 2022. However, although no reptiles were found, it is possible that low numbers of reptiles could use any areas of suitable habitat at other times of the year.

4.2 Full survey condition results are provided in Table 1 below.

Table 1. Survey condition results

Survey Date	Start Time	Temp. (°C)	Cloud Cover (oktas)	Wind (Beaufort Scale)	Precipitation
02/09/22	08:00	18	6	2	None
11/09/22	08:00	17	1	1	None
14/09/22	18:00	19	6	1	None
15/09/22	09:00	16	3	2	None
17/09/22	10:45	13	2	3	None
19/09/22	16:45	18	3	2	None
20/09/22	10:30	16	1	1	None

4.3 It should be noted that although the Site is c. 2.95ha, suitable reptile habitat, comprising grass pasture, accounts for c. 2.92ha within the Site. Within this area 66 artificial refugia were used to provide a survey refugia density of 22 refugia per ha.

4.4 However, in consideration of a known reptile population on land directly adjacent to the Site (Potten Farm), balanced against an ecological understanding of the Site and its habitats, it is estimated that the Site could support a 'low' population of slow worm, common lizard and grass snake.

5.0 Summary

5.1 No reptiles were recorded on-Site during surveys undertaken in 2022. However, given the results of surveys on the unobstructed adjacent land at Potten Farm that have found 'low' populations of slow worm and grass snake and a 'high' population of common lizard, it is possible that a 'low' population of slow worm, common lizard and grass snake could exist on-Site or could use the Site on a transitory basis. On balance, low populations of each of these species are considered to be present.

N

- Site boundary
- Indicative refugia location and survey transect
- Lowland dry acid grassland (g1d)
- Other neutral grassland (g3c)
- Ponds (r)
- Individual rural trees
- Hedgerows with trees (h2) (190)
- Hedgerows (Priority Habitat) (h2a)
- Line of trees (w1g6)
- (F) Field reference
- [H/LT] Hedgerow / treeline reference

Refugia Distribution	
Transect ID	Number of Refugia
A	5
B	4
C	4
D	2
E	2
F	7
G	3
H	4
I	1
J	4
K	6
L	4
M	2
N	3
O	3
P	7
Q	5
Total - 66	

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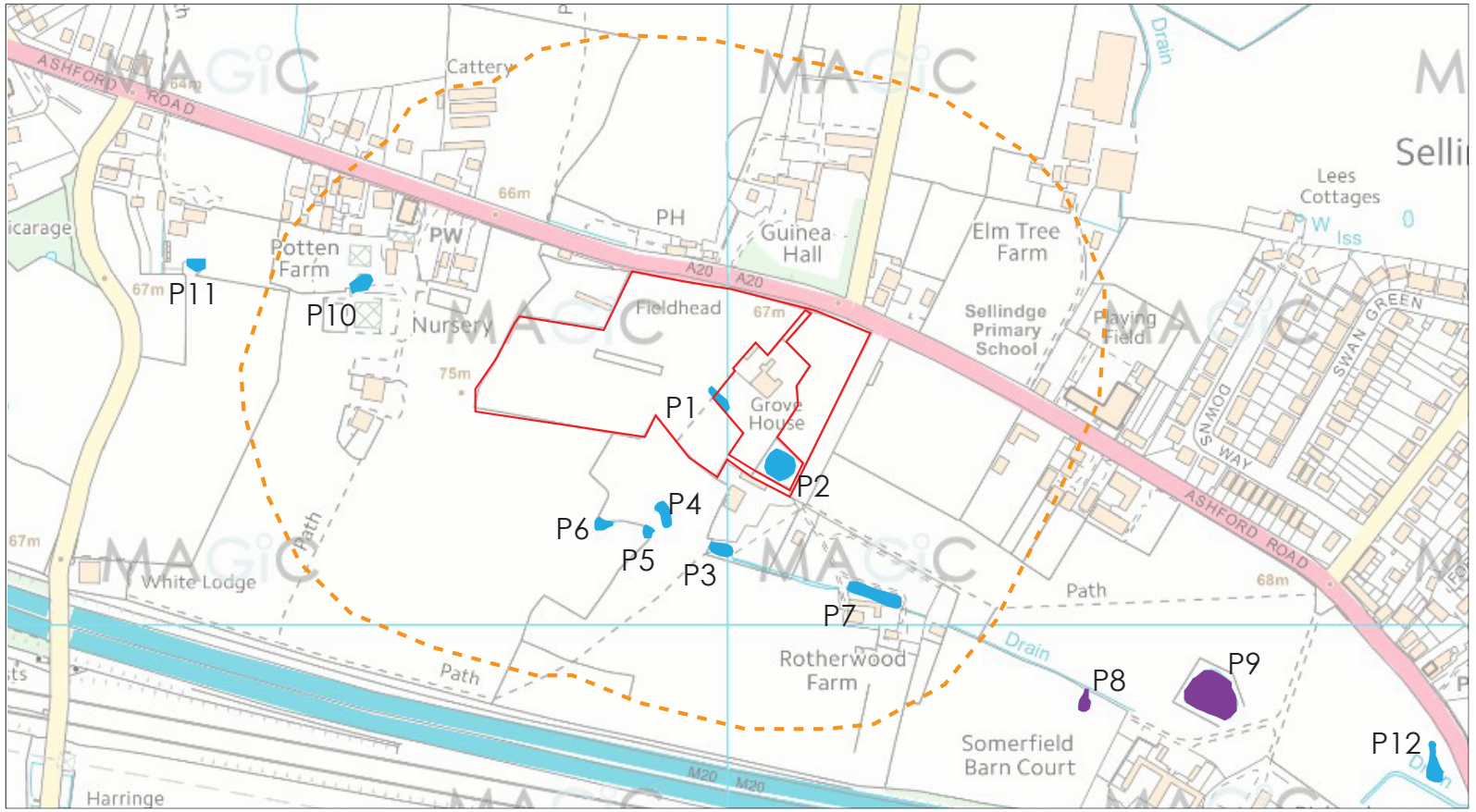
Project	Land South of Ashford Road, Sellindge	Date Sept 2023	Drawing No. CSA/4509/127
Drawing Title	Reptile Survey Plan	Scale Refer to scale	Rev -
Client	Gladman Developments Ltd	Drawn CVJ	Checked CC

Appendix J

Pond Plan



Indicative site boundary

Pond with GCN assumed present

Pond unsuitable for GCN*

c. 250m radius around Site

*Previous HSI surveys for the neighbouring site identified P8 and P9 as unsuitable for GCN. GCN were found in P8 in 2013 but it has since become unsuitable. P9 contains predatory fish.

**GCN were reported to be present in up to five of the ponds identified as P1-P7, and one was confirmed as a breeding pond. It is unclear from previous reports relating to the adjacent site which of the ponds were found to support GCN during the 2013/16 surveys as a detailed pond plan of the wider area was not given. Therefore, presence is assumed in all unobstructed ponds except P8 and P9.

Pond no.	GCN present 2013	GCN present 2016	2019 suitability (HSI)
1	Yes**	Yes**	Poor
2	Yes**	Yes**	Below average
3	Yes**	Yes**	Poor
4	Yes**	Yes**	Below average
5	Yes**	Yes**	Poor
6	Yes**	Yes**	No access
7	Yes**	Yes**	Below average
8	Yes**	No	No access
9	No	No	No access
10	Not surveyed	Not surveyed	No access
11	Not surveyed	Not surveyed	No access

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Project	Land South of Ashford Road, Sellindge	Date	Sept 2023	Drawing No.	CSA/4509/108
Drawing Title	Pond plan	Scale	Refer to scale	Rev	A
Client	Gladman Developments Ltd	Drawn	JMT	Checked	JT

Appendix K

Preliminary Ground Level Roost Assessment Report (2019)

1.0 Introduction

1.1 This report sets out the methods and results of a Preliminary Ground Level Roost Assessment (PGLRA) undertaken in November 2019 at land south of Ashford Road, Sellindge Kent. The purpose of which was to assess on and off-site trees for their potential to support roosting bats. This survey was recommended to inform outline planning consent and Site access planning.

2.0 Methods

2.1 Trees were inspected from ground level by Clare Caudwell CEcol MCIEEM (Natural England Bat Class Licence Level 2: 2015-15070-CLS-CLS) and Jeff Turton ACIEEM with the use of binoculars and a high powered torch.

2.2 Trees were categorised in one of the following categories depending on the quantity and quality of potential roosting features (PRF) present: negligible (N), low (L), moderate (M) or high (H). This is in-line with Bat Conservation Trust (BCT) guidelines 2016. Findings of the PGLRA are summarised in Table 1, within which only trees which were assessed above 'negligible' are included.

2.3 The following on-Site trees were assessed in the PGLRA: G9, T9, T10, T16, T17, T24, T25, T26, T27, T29, T30, T31, T32, T33, T35, T36, T37, T38, T39, T40, T41, T42, T43, T44, T45, T46, T47, T49, T51, T52, T53, T54, T55, T58, T59, T60, T63, T66, T67,T68, T69, T70, T71. These trees were selected for assessment due to their likelihood of being impacted by development and their size, age and condition. Tree numbers have been taken from the Tree Survey & Constraints Plan (BHA_636_01). Trees that were assessed as 'negligible' potential have not been included in Table 1 below.

Limitations

2.4 The eastern aspect of Tree T54 could not be seen as it backed on to the grounds of Grove House, to which the surveyors did not have access.

3.0 Results

3.1 Ten trees on Site were assessed as having 'high' bat roost potential, four with 'moderate' and three with 'low'. Under current access proposals (Drawing no. 1687/SP/02; Ashley Helme Associates 2020), trees T68, T69 and T70 will require removal, while T71 is likely to require removal for the creations of a SuDS basin (Drawing Number BHA_636_02 in CSA/4509/112). Trees T68, T69 and T70 were assessed as of 'negligible' potential for roosting bats due to a lack of suitable features. Trees which will need to be considered for bat roosts when creating access onto and through Site (i.e. trees with roost potential that are close to or in the path of proposed roads/SuDS basin are: T37 (H), T58 (M), and T71 (M). Full results are provided in Table 1 below.

Table 1. PGLTA Results (November 2019)

Tree ID no.	Species	Rot Hollows	Cracks / Splits	Woodpecker Holes	Loose bark	Ivy Cover	Description of features	Bat Roost Suitability
N/A*	Willow	None	None	None	None	None	Large multi-stem pollard. No obvious features.	L
T9	Hybrid black poplar	Yes	None	None	None	None	Large cavity (c. 30 x 30cm) c. 10m up which can be seen from Bulls Lane.	H
T10	Ash	Yes	None	None	None	None	Rot hole c. 12m up where small branch has dropped.	L
T17	Ash	None	None	None	None	None	Exposed heart wood and very narrow split forming.	L
T29	English oak	None	Yes	Yes	None	5% low down	Woodpecker hole north facing, 10m high. Frost crack on south-west, 10m up, 1.5m long. Woodpecker hole also on neighbouring branch.	H
T35	Horse Chestnut	Yes	None	None	None	None	Large rot hole on old flush-cut, East aspect, 5m high. Rot hole at top of stem c. 10m up on north-west. Large significant cavity in central stem, damp but smooth sides. Smattering of small rot holes on other flush cuts on all aspects.	H
T36	Horse chestnut	Yes	Yes	None	None	None	North-east flush cut rot hole 15 x 20cm, 5m up. Frost crack c. 8m high and 1m long on north aspect. Rot hole on this same branch near the main stem facing west.	H
T37	Ash	Yes	None	None	None	None	Big basal cavity up to at least 2m inside tree. Rot hole 3m up might lead in to the same cavity. Rot hole 5m up on western aspect. Small wounds throughout canopy.	H

T38	Hawthorn	Yes	None	None	None	None	Large cavity at hip height, c. 0.5m in depth on south-western aspect.	M
T40	Ash	Yes	None	None	None	None	Half of tree has rotted away. Occasional exposed cracks / crevices.	L
T42	Swedish Whitebeam	Yes	None	None	None	None	N/A	M
T54	Ash	Yes	None	None	None	None	Cavity c. 5m up on western aspect. Could not see around the back of the tree.	H
T55	Sweet chestnut	Yes	Yes	None	Yes	None	Cracks and crevices all over. Rot at top of stems.	H
T58	Ash	Yes	None	None	None	None	Small cavity on lowest limb c. 4m up and north facing. Tear out on western aspect has created a small, exposed cavity c. 1 inch deep but up to 2m long.	M
T59	Ash	Yes	None	Yes	None	None	Large cavities in all limbs	H
T60	Ash	Yes	None	Yes	None	None	Large dry cavity in main stem. 2 Woodpecker holes on north aspect at c. 8m high.	H
T63	Ash	Yes	None	None	None	None	Large cavity in leading stem and also a large basal cavity.	H
T71	Ash	Yes	Yes	None	None	None	Hollow stem with cracks and crevices. Holes leading up into leading stems.	M

*T1 in Tree Schedule drawing BHA_4473_02 in relation to Potten Farm, Ashford Road, Sellindge.

Appendix L

Countersigned DLL IACPC

The Conservation of Habitats and Species Regulations 2017

Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate

NATURAL ENGLAND
T. 020802 61089
E. gcndll@naturalengland.org.uk

The appropriate authority shall not grant a licence under Regulation 55(9)(b) unless they are satisfied that actions authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

This Certificate is provisional until:

- **All information required in sections 1, 2, 3 and 4 has been inserted by Natural England; and**
- **It has been signed and dated by the Applicant in section 6; and**
- **Natural England's administration fee has been paid; and**
- **It has been signed and dated on behalf of Natural England in section 8.**

At which point this Certificate shall be complete and effective and shall be given the date on which it is signed by Natural England in section 8.

A provisional Certificate will lapse 3 months after the date given in Section 4.

1. Application Details

Name of Applicant: (and company number where relevant) **"the Applicant"**	Gladman Developments Ltd
Site name / address: **"the Site"**	Land at Ashford Road, Sellindge, Kent, TN25 6EG
Grid reference for site: 10 figure reference from the centre of the site	TR 09970 38206
District Level Great Crested Newt Licensing Enquiry number:	DLL_ENQ_KENT_00037
Date District Level Great Crested Newt Licensing Enquiry Form received:	14/11/2019

2. Impact assessment

Has the impact assessment been conducted? Yes ☑ No ☐

If no, please detail why not *i.e. re-submission due to FIR, scheme has not changed*	N/A
Total number of ponds within proposed site boundary	1

Total number of ponds within 250m buffer around the proposed site boundary	7
Expected total number of ponds lost *All ponds within the red line boundary are considered lost. Impacts on ponds outside of the red line boundary, up to 250m from the proposed site, are considered proportionally.*	1.87

3. Compensation

Has the required level of compensation been calculated?	Yes ☑ No ☐
If no, please detail why not: *Re-submission due to FIR, scheme has not changed*	N/A
Has the Applicant supplied survey information?	Yes ☑ No ☐
If not, which risk zone does the development lie in: *Green / Amber / Red*	N/A
Pond compensation ratio: *Dependent upon the risk zone and the availability of survey information*	Present = 4x, Absent = 1x, No survey = 2x
Number of compensation ponds required: *Expected total number of ponds lost x pond compensation ratio*	6.9
Time-lag multiplier of 1.1 required? *Time lag multiplier applied for the interval between pond creation and / or restoration and the date on which the Enquiry is made to Natural England*	Yes, multiplier is required as compensation ponds are under one year old
Total number of compensation ponds required with time-lag multiplier: *If yes, please detail the cost summary for each pond*	7.59

4. Administration Fee and Conservation Payment

Natural England charges a non-refundable Administration Fee of £670 + VAT. An invoice for the Administration Fee will be issued at the point of production of the provisional Impact Assessment and Conservation Payment Certificate, payable within 28 days of issue.

The Conservation Payment allows Natural England to pay for the creation and maintenance of sufficient new great crested newt habitat to compensate for the impacts of the Applicant's proposals for 25 years.

The Conservation Payment must be made by Applicants wishing to proceed with district level licensing. An invoice for the Conservation Payment will be issued once the application form for a GCN District Level Licence has been submitted, payable within 28 days of issue.

When your licence is issued the third and final invoice for the licence fee (£690) will be sent. This must be paid within 28 days. Please ensure the correct billing details are provided for all three invoices.

Has the Conservation Payment for the required level of compensation been calculated?	Yes ☑ No ☐
If no, please detail why not *i.e. re-submission due to FIR, scheme has not changed*	N/A

Costed breakdown for the required number of compensation ponds:	7.59 X £15165 = £115,102.45
Conservation Payment	£ 115,102.45
Plus VAT	£ 23,020.47
Total	£ 138,122.82
Licence Fee payable on receipt of licence	£ 690
Date	10/03/2020

A breakdown of the Conservation Payment is given at Annex 2.

Compensation payment must be made in full before a licence under regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) may authorize activities that would otherwise breach regulation 43 of the 2017 Regulations.

5. Further Important Information

5.1 It is the duty of the Applicant to inform Natural England if the extent of the land affected by the proposed development is not exactly as shown on the Plan attached as Annex 3 to this Certificate or if it alters at any time after the date of this Certificate. An offence may be committed if incorrect information is submitted to Natural England in the course of the licensing process.

5.2 Natural England shall be entitled to terminate this Certificate if information subsequently received causes it to reasonably conclude that the impacts on great created newts, or the required level of compensation, of/for the Applicant's proposals on the Site have been under-stated in this Certificate. Before terminating this Certificate Natural England shall give the Applicant reasonable notice of its intentions and the opportunity to make a written representation against withdrawal.

5.3 This Certificate relates only to the development described in this form and not to any associated or enabling development.

5.4 Natural England's assessment of the total number of ponds to be lost at the Site is informed by the information provided by the Applicant in its Enquiry Form. However, where an Applicant has not provided up to date survey data Natural England determines the number of ponds to be lost at the Site from its own information. In all cases Natural England retains discretion in assessing the number of ponds to be lost as a result of the Applicant's proposals at the Site and its decision shall be conclusive.

5.5 This Certificate is not a licence granted under reg. 55 of the Conservation of Habitats and Species Regulations 2017 and is not a confirmation or warranty that such a licence will subsequently be granted.[1] Natural England excludes all warranties and representations in so far as the law permits.

5.6 If Natural England subsequently grants a licence to the Applicant under reg. 55 of the 2017 Regulations any such licence will be subject to the conditions therein set out, which may include (but not be limited to) conditions that activities may not be commenced until the Applicant has paid the Conservation Payment in the amount and manner set out herein and that activities may not be commenced until compensatory works have reached a specified stage of completion.

5.7 If Natural England subsequently grants a licence to the Applicant under reg. 55 of the 2017 Regulations Natural England agrees to use and hold Conservation Payment monies payable by and received from the Applicant for the purposes and period of time set out in Annex 2 to this Certificate. Any surpluses properly arising after 25 years from the date of the grant of a licence shall be retained and used by Natural England for the purposes of enhancing the conservation status of great crested newts in the local planning authority area within which the Site lies.

5.8 If Natural England does not subsequently grant a licence to the Applicant under reg. 55 of the 2017 Regulations any Conservation Payment made by the Applicant to Natural England pursuant to this Certificate will be repaid in full.

5.9 If prior to the commencement of any works on the Site that could kill or disturb great crested newts or damage or destroy their habitat the Applicant confirms in writing to Natural England that it no longer wishes to proceed with its proposals on the Site any Conservation Payment made by the Applicant to Natural England pursuant to this Certificate will be repaid subject to the deduction of such amount as has reasonably been incurred prior to the receipt by Natural England of such written confirmation. The Applicant acknowledges that Natural England will spend the Conservation payment in accordance with the provisions of Annex 2 and appreciates that for the purposes of conserving great crested newts it will be reasonable to spend a high proportion of the Conservation Payment within a short period of the grant of a licence under reg. 55 of the 2017 Regulations. An Applicant that opts to discontinue its proposals on the Site after it has been granted such a licence risks losing much of the Conservation Payment it will already have paid.

5.10 If the Applicant only carries out part of the development on the Site and has less impact than that assessed at part 2 of this Certificate on providing the necessary information to Natural England it shall be entitled to request that Natural England recalculates the Conservation Payment and repays any excess that remains and will remain unspent by Natural England.

5.11 Once signed and dated in section 8, this Certificate shall remain effective for the period of 25 years from the commencement of works on the Site that could kill or disturb great crested newts or damage or destroy their habitat; save that if after two years from the date of this Certificate the Conservation Payment set out at part 4 of this Certificate has not been paid in full Natural England shall be entitled to review and revise the amount of that payment to such sum as at the date of such review is sufficient to pay for the creation and maintenance of sufficient great crested newt habitat to compensate for the impacts of the Applicant's proposals for 25 years. Until signed and dated in section 8 this Certificate is provisional only and it will lapse and be of no further effect after 3 calendar months from the date given in section 4. An Applicant wishing to proceed with its proposals after that date must request the issue of a further provisional Certificate.

5.12 This Certificate may not be relied on by any person other than the Applicant and may not be assigned to any other person without the prior written consent of Natural England. Natural England's consent will be conditional upon any assignee signing a Certificate in like form to this Certificate, or as appropriate to the circumstances, subject to which consent shall not unreasonably be withheld.

5.13 Natural England's total liability arising under or in connection with this Certificate, whether in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise shall be limited to the amount of the Conservation Payment paid by the Applicant to Natural England and un-spent as at the date of adjudication of the claim.

5.14 The Applicant's total liability arising under or in connection with this Certificate, whether in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise shall be limited to the amount of the Conservation Payment properly calculable on the basis of the actual development to which this Certificate relates.

5.15 Neither Natural England nor the Applicant shall be liable to the other for any indirect, special or consequential loss or damage or any loss of profits, turnover, business opportunities or damage to goodwill (whether direct or indirect).

5.16 No variation of this Certificate shall be valid unless it is in writing and signed by or on behalf of both parties.

5.17 Nothing in this Certificate shall prejudice, conflict with or affect the exercise by Natural England of its statutory functions (including as statutory consultee), purpose, powers, rights, duties, responsibilities or obligations arising or imposed under any legislative provision enactment, bye-law or regulation whatsoever, nor shall it fetter the exercise of any discretion Natural England may have.

5.18 Natural England may terminate this Certificate immediately on notice in writing where, in Natural England's reasonable opinion, compliance with the obligations in this Certificate is likely to conflict with Natural England's statutory functions (including as statutory consultee), purpose, powers, rights, duties, responsibilities or obligations.

5.19 The Applicant acknowledges that Natural England is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (both as amended) and cannot guarantee confidentiality. The Applicant shall assist and co-operate with Natural England as necessary to comply with these requirements. In responding to a request for information, including information in connection with the subject matter of this Certificate Natural England shall where in its absolute discretion it deems necessary use reasonable endeavours to consult with the Applicant. Notwithstanding this the Applicant acknowledges that Natural England may disclose information without consultation, or following consultation with the Applicant having taken its views into account.

5.20 The Applicant shall ensure that all information produced in connection with the subject matter of this Certificate or relating to this Certificate is retained for disclosure and shall provide all necessary assistance as reasonably requested to enable Natural England to respond to a request for information within the time for compliance and shall permit Natural England to inspect such records as requested from time to time.

5.21 Nothing in this Certificate is intended to, or shall be deemed to, constitute a partnership or joint venture of any kind between Natural England and the Applicant. No party shall have authority to act as agent for, or to bind, the other party in any way.

5.22 The parties do not intend any term of this Certificate to be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person that is not a party to it.

5.23 This Certificate and all disputes or claims arising out of or in connection with the activities of the parties in connection with it shall be governed by and construed in accordance with the law of England.

6. Declarations

This Declaration may only be signed by either:

- A director or senior authorised employee of the corporate Applicant identified at 1 (a), above; **or**
- The person identified at 1 (b), above, as the individual Applicant; **or in either case:**
- A person authorised in writing by the Applicant to complete this Enquiry Form and to make this Declaration. Any such written authorisation must identify the site and development concerned and be irrevocable.

The Applicant declares as follows:

- **All of the information provided by the Applicant to enable Natural England to produce this Certificate is up to date, complete and correct;**
- **All of the information provided by the Applicant in the District Level Great Crested Newt Licence Enquiry Form dated:** 14/11/2019 **is up to date, complete and correct;**
- **The terms and conditions contained within this Certificate are agreed and accepted.**

Signed:	
Name and position of signatory:	VICTORIA HESSON MANAGING DIRECTOR.
I confirm that I (the above) am duly authorised by the Applicant to sign and submit this document on its behalf:	☐
Dated:	26.03.2020
Purchase Order Number for Conservation Payment: (or payment reference)	

Any person who in order to obtain a licence under regulation 55 of the 2017 Regulations knowingly or recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. A person found guilty of such an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

7. Use of this Certificate

In consideration of the Applicant's obligations arising herein Natural England consents to the use of this Certificate by the Applicant in support of an application for planning permission for development on the Site.

Under the District Level Great Crested Newt Licensing Natural England carries out its formal determination for the purposes of Regulation 55 of the 2017 Regulations after the grant of planning permission for the development in question. Accordingly, as at the date of this Certificate that formal determination has not yet been carried out.

However, in signing this Certificate Natural England has considered the matters if believes to be necessary to satisfy Regulation 55 (9) (b) of the 2017 Regulations ("*that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*") and has concluded that payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range.

This Certificate reflects Natural England's views in relation only to great crested newts on and within 250m of the Site.

8. Natural England

Signed for and on behalf of Natural England
Duly authorized:

Melanie Hughes

Digitally signed by Melanie Hughes
DN: cn=Melanie Hughes, o, ou, email=melanie.hughes@naturalengland.org.uk, c=GB
Date: 2020.04.08 15:59:34 +01'00'

Dated:

[i] In order for Natural England to grant a licence to the Applicant under reg. 55 of the 2017 Regulations it must be satisfied, inter alia, that the activities so licensed meet the provisions of reg. 55 (2) and 55 (9) (a) and (b). Compensatory works funded by the Conservation Tariff set out in this document allow the provisions of reg. 55 (9) (b) to be satisfied (*"that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*), but do not address the issues raised in reg. 55 (2) (*"… imperative reasons of overriding public interest, including those of a social or economic nature …"*) or 55 (9) (a) (*"that there is no satisfactory alternative"*). Accordingly, no representation, assurance, condition or warranty is given by Natural England to the effect that activities associated with the development described in this form will go on to be licensed by Natural England.

Annex 1

Privacy Notice

Who is collects your data?

The data controller is the Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, Y01 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; foi@naturalengland.org.uk

The Defra group Data Protection Officer is responsible for checking that Natural England complies with legislation. You can contact them at: Department for Environment, Food and Rural Affairs, SW Quarter, 2nd floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. DefraGroupDataProtectionOfficer@defra.gsi.gov.uk

What of my data is being collected and how is it being used? What is the legal basis for the processing?

The data collected by Natural England includes: an Applicant's name and contact details, the name and contact details of any agent appointed by the Applicant, the name and contact details of individual points of contact within the Applicant's organisation and that of the Applicant's agent, customer type, the nature of the Site, the development proposed on the Site, reasons for that development, and bank account information for refunds.

Natural England uses such data to run a great crested newt licensing scheme ("the Scheme") in the area in which the Site is located. Processing is necessary (a) for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. That task is to conduct the licensing functions delegated by Defra to Natural England under section 78 of the Natural Environment and Rural Communities Act 2006 and (b) for the performance of the contractual terms set out in this Certificate.

The processing by us of personal data relating to wildlife-related or animal welfare offences or related security measures is carried out only under official authority. This information is used in assessing an application as it is a material fact.

Who will my data be shared with?

Information provided by or on behalf of the Applicant and any supporting material will be used by Natural England to undertake our licensing functions and to operate the Scheme. This will include assessing an Applicant's proposals in line with the Scheme, producing a Scheme certificate, assessing an Applicant's licence application, issuing a licence if applicable, monitoring compliance with licence conditions and collating licence returns and reports. In carrying out these functions Natural England may discuss your Scheme application with third parties such as contractors commissioned to deliver the necessary habitat compensation. Natural England may for particular licence applications and at specific stages of the licensing process discuss your application with third parties. The details of this sharing are set out here https://www.gov.uk/government/publications/wildlife-licensing-privacy-notice

Natural England recognises there is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. Therefore, we may make information publicly available. Information released may include, but is not limited to, your name or business name, application and licence details as well as reports and returns. Natural England, however, realises that some licensed activities can be sensitive and we **will not** release information that could harm people, species or habitats. In some cases, for example, this may mean not releasing the names and addresses of individuals or the location of the licensed activity.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

How long will my data be held for?

Your personal data will be kept by us for 7 years beyond the period of effectiveness of this Certificate.

If you are relying on my consent to process data, can I withdraw my consent?

No, because the processing is not based on consent.

What will happen if I don't provide the data?

Failure to provide this information will mean that we will be unable to assess your application for a Scheme certificate and/or a wildlife licence.

Will my data be used for automated decision-making or profiling?

The information you provide is not connected with individual decision making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal data to evaluate certain things about an individual).

Will my data be transferred outside of the EEA?

The data you provide will not be transferred outside the European Economic Area.

What are my rights?

A list of your rights under the General Data Protection Regulation, the Data Protection Act 2018, is accessible at: https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/

How do I complain?

You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/

Natural England's Personal Information Charter

Details of our Personal Information Charter can be found at: https://www.gov.uk/government/organisations/natural-england-personal-information-charter

Annex 2

Breakdown of Conservation Payment per compensatory pond required

Habitat delivery (71%)	Compensatory pond creation or restoration	£3,500 per pond, including cost of obtaining planning permission where necessary	Funds to be spent as soon as possible
	Contingency fund for replacement of compensatory pond	£3,500 per pond initially created	Funds to be pooled across the area of the scheme and spent on the creation of further ponds at Natural England's discretion, within 25 years
	Compensatory pond maintenance	£3,786 per pond initially created	Funds to be pooled across the area of the scheme and spent over 25 years
Habitat monitoring (14%)	Monitoring	£2,000 per pond initially created	Funds to be pooled across the area of the scheme and spent over 25 years, including eDNA and HSI surveys
	Modelling and mapping updates	£175 per pond initially created	Funds to be pooled across the area of the scheme and spent at regular intervals over 25 years
Administration (15%)	Habitat delivery project officer	£1,400 per pond initially created	Funds to be pooled across the area of the scheme and spent as appropriate to the delivery of the scheme, within 25 years
	Natural England: management and oversight of scheme at district level; liaison with habitat delivery partners.	£350 per pond initially created	Funds to be pooled across the area of the scheme and spent as appropriate to the delivery of the scheme, within 25 years
	Natural England: procurement, management and oversight of compensatory works at project level; customer liaison.	£454 per pond initially created	Funds to be spent as compensatory works required by this Certificate proceed

Plus VAT

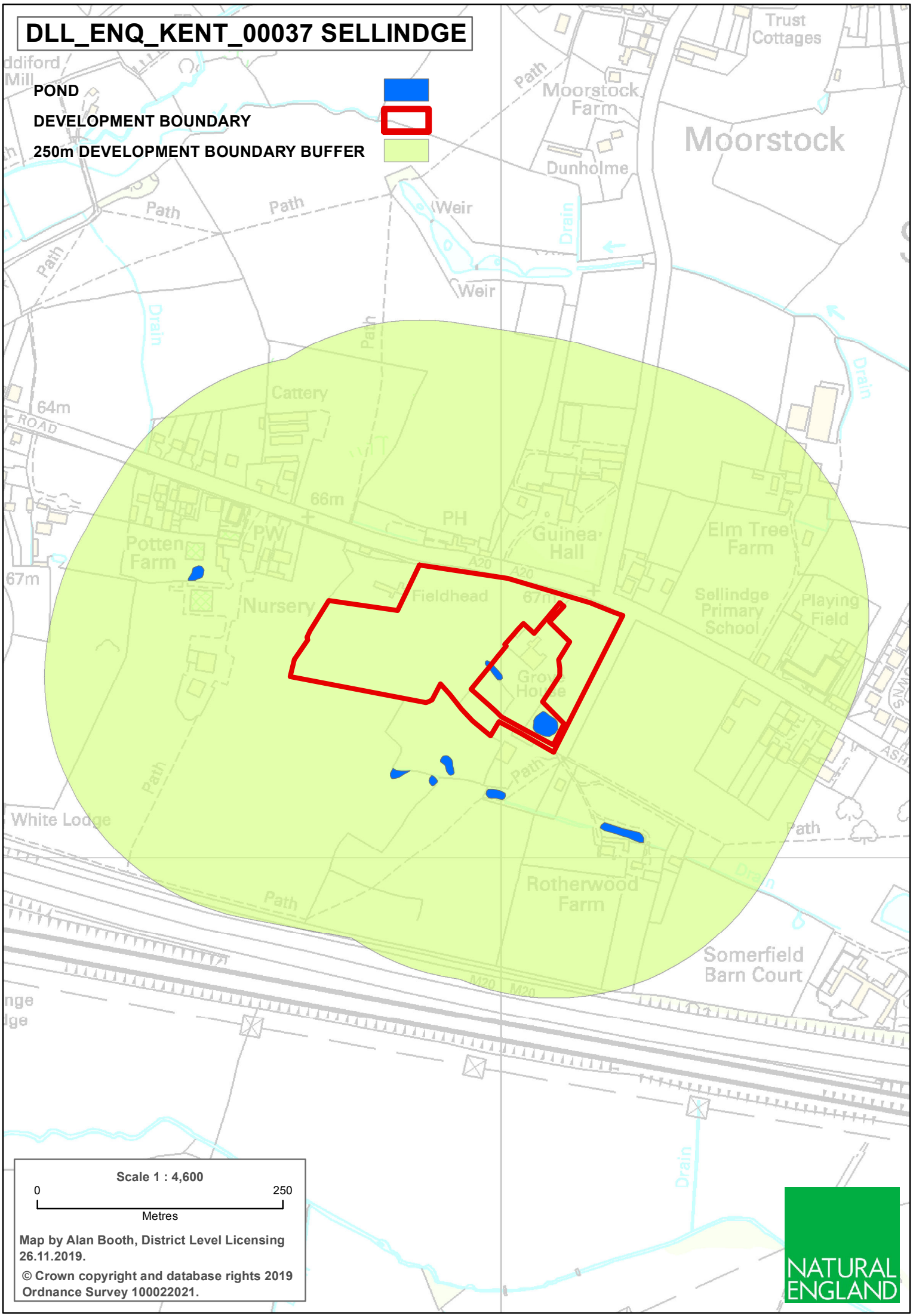
Notes:

1. Natural England charges an additional Administration Fee of £670 plus VAT on the issue of an Impact Assessment and Conservation Payment Certificate (see section 4, above).

2. Natural England charges a further Administration Fee of £690 on the issue of a licence under Regulation 55 of the 2017 Regulations.

Annex 3

Plan


DLL_ENQ_KENT_00037 SELLINDGE
POND
DEVELOPMENT BOUNDARY
250m DEVELOPMENT BOUNDARY BUFFER
Trust Cottages
Moorstock Farm
Moorstock
Dunholme
Path
Weir
Drain
Cattery
64m
ROAD
66m
PH
Guinea Hall
Elm Tree Farm
Potten Farm
PW
Nursery
Fieldhead
67m
A20
Sellindge Primary School
Playing Field
White Lodge
Rotherwood Farm
Somerfield Barn Court
M20
Scale 1 : 4,600
0
250
Metres
Map by Alan Booth, District Level Licensing 26.11.2019.
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