



ECOLOGICAL ADVICE SERVICE

TO: *Louise Daniels*

FROM: *Luke Wallace*

DATE: *12 May 2020*

SUBJECT: *Y19/0925/FH / Land Adjoining Turner Court, Folkestone*

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

Our previous advice note (dated 9th April 2020) requested additional information regarding the badger strategy. This has now been provided and we advise that no further information is required .

Badgers

As identified in the 2018 ecology report, an active badger set is present within the development site. As badgers are a protected species, mitigation measures are required.

The updated mitigation strategy for badgers features the necessary detail to prevent harm/disturbance, as summarised in appendix 3 of the strategy. Measures such as immediate checks prior to works, provision of protective fencing and suitable timings have all been included. Therefore, we advise that the strategy is appropriate, and its implementation (in conjunction with acquisition of the Natural England licence) should be secured via an attached condition if planning permission is granted. Suggested wording:

From the commencement of works (including site clearance), all mitigation measures for badgers will be carried out in accordance with the details contained within appendix 3 of the Badger Survey (Martin Newcombe July 2018 ((amended April 2020)), unless varied by a European Protected Species licence subsequently issued by Natural England.

Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Examples include the provision of bird/bat boxes and native shrubs/wildflower grassland. We highlight that enhancements must be in *addition* to necessary mitigation measures and appropriate examples have been recommended within the 2019 ecology report.

To secure the implementation of enhancements for biodiversity, we advise that a condition is attached to planning permission (if granted). Suggest wording:

Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 4.10 of the Preliminary Ecological Appraisal (KB Ecology February 2019). The approved details will be implemented and thereafter retained.

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

Luke Wallace
Biodiversity Officer

This response was submitted following consideration of the following documents:

- *Badger Survey. Martin Newcombe. July 2018 (Amended April 2020).*
- *Preliminary Ecological Appraisal. KB Ecology. February 2019.*