PRELIMINARY ECOLOGICAL ASSESSMENT (PEA) REPORT

Wellesley House, Ramsgate Road, Broadstairs, Kent CT10 2DG
Commissioned on behalf of The Foreland Partnership

Document Version/Ref	Date	Author
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Introduction	This report provides a Preliminary Ecological Assessment (PEA) detailing the status of known or potential ecological constraints to the proposed development at Wellesley House, Ramsgate Road, Broadstairs, Kent CT10 2DG. This report will identify the site's potential to support protected species and habitats, and recommend any appropriate species specific and mitigation requirements to ensure compliance with relevant national and European statutory requirements for ecological protection. It is understood that the proposed plans include the clearance of a small area of deciduous woodland, and development of five dwellings with parking space and garages, entrance drive and gardens.
Survey Methodology	**Desk Study** Biological records were obtained from Kent and Medway Biological Records Centre for a 2km radius from the proposed site. The records obtained contain relevant records and information held by the local biological recorders for the area. An extensive search of web based information for the area was also undertaken identifying records of protected and other notable species of flora, fauna together with statutory/non-statutory wildlife sites. Web-based resource Multi-Agency Geographic Information for the Countryside was consulted to identify designated nature conservation sites within or immediately adjacent to the site surveyed. The Thanet Local Plan Adopted 2020 (Thanet District Council, 2020) was consulted to inform on biodiversity guidelines. The Kent Biodiversity Action Plan (Kent Biodiversity Action Plan Steering Group, 1997) was consulted to inform on Biodiversity Action Plan (BAP) priority habitats and species. **Extended Phase 1 Habitat Survey** A habitat, flora and protected species survey of the potential development site was undertaken on 28th July 2023.
Conclusions / Recommendations	**Designated Areas** There are five statutory designated sites, and three non-statutory designated sites within 2km of the proposed works. None of these sites is impacted by the planned works. **Habitats and Botanical Species of Interest** The site itself is dominated by bare earth/ hard-standing with areas of both native and non-native deciduous trees, with ivy and introduced species (garden escapees) understorey, which provides sub-optimal habitat for protected species. The ground flora on site consisted of both native and non-native species. **Great Crested Newt and Reptiles** Due to the lack of ponds on the site, the site should be considered to have a **negligible potential** to support breeding GCN and other amphibians. Due to the suitable foraging and refugia habitat on site for amphibians and reptiles, but limited connectivity to other suitable habitats, the site should be considered to have a **low potential** to support foraging and hibernating amphibians and reptiles. Therefore, no further surveys are required for GCN or reptiles. It is understood the works include the felling of trees and clearance of areas of vegetation on the site. As a precautionary measure prior to the start of works on site it is recommended that any potential hibernacula such as brash/rubble/spoil piles, and ruderal or scrub growth be cleared under supervision of a suitably qualified ecologist on warm days during reptile active season of March-September. Clearance works should be undertaken in a three-phase approach under ecological supervision. During development works, any rubble or works materials should be left on hard-standing to avoid attractive reptiles or amphibians which may use it for refuge. In the unlikely event that any GCN or reptiles are observed during the development works, then works should cease immediately in that area and an ecologist contacted for advice. **Birds** The site provides nesting potential for birds within the semi-mature and mature trees and dense areas of ivy, with nesting observed. The site was therefore assessed with **moderate potential** to support nesting birds. As all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended), any tree or vegetation clearance works should be conducted outside the core breeding period for birds of March-August inclusive (although it should be noted that species such as pigeon can breed all year round and remain protected). Should this timeframe be unobtainable, a thorough search for the presence of breeding birds should be conducted by a suitably experienced ecologist prior to the start of works. Should evidence of

	breeding birds be recorded, works within 5m of the nest or which have potential to destroy the nest should stop until the eggs have hatched and chicks fledged, or the nest is deemed by a suitably experienced ecologist to have been abandoned. **Badger and Hedgehog** No signs of badger were observed either on the site during the walkover. The site should therefore be considered to have a **low potential** to support foraging badgers, and no further surveys are recommended. As a precautionary measure, any holes or trenches on the site should be either covered over night to prevent badger or other animals falling in and getting stuck, or alternatively ramps should be placed in the trench to enable animals to escape in the unlikely event they access the site. **Bats** It is understood that a number of the trees on site are to be felled as part of the planned works. While no potential roost features were observed from ground level, as a precautionary measure it is recommended that any semi-mature or mature trees be felled using a soft-fell methodology, and under ecological supervision. The site itself provides potential foraging habitat for bats locally and should be considered to have **low-moderate potential** for foraging and commuting bats. Due to the limited area of the site, no bat activity surveys are recommended. However, any loss of potential foraging habitat should be compensated for as part of the biodiversity enhancements. **Bats and lighting** During development works and for the operation of the new dwelling on site, light spill onto the surrounding vegetation is to be avoided, in particular the bordering trees and shrubs, to avoid adversely impacting foraging bats in area. The latest lighting guidance from the bat conservation trust which can be found at this link below: https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/ **Hazel dormice** The site has been assessed as having a **negligible potentia**l for dormice with no records within 2km of the site and no aerial connectivity to suitable habitat or potential dormouse populations in the wider area. No further surveys are recommended for this species. **Other species** Beyond those noted above, there are no obvious of immediate issues regarding protected species on the site. Should at any point during the development a protected or notable species be identified within the site, then all works should stop and the appointed ecologist consulted on the appropriate manner in which to proceed. This report is valid for 18 months.
Biodiversity Protection and Enhancements	Biodiversity protections and enhancements recommended for the site: • Any lighting on the site should follow the guidelines in section 5.15 to prevent impact to foraging bats and other nocturnal creatures. • It is recommended that mature trees should be retained where possible. Tree protection measures should be implemented according to BS 5837:2012 'trees in relation to design, demolition and construction'. • Native species hedging could be planted on the site boundary to provide nesting potential for birds, and foraging potential for birds, bats and invertebrates. • To compensate for the loss of trees on the site, and improve biodiversity and foraging and/ or nesting potential for local bats, birds and invertebrates, the works should include the planting of replacement native species trees. • To improve bird nesting potential of the site nest boxes for species such as swift and sparrow could be attached to the new dwellings being developed on the site, and to remaining mature trees. • To improve bat roosting potential on the site, bat boxes could be incorporated into the build, or attached onto the new dwellings being developed on the site.

1. Project Overview

Client:	The Foreland Partnership
Site Address:	Wellesley House, Ramsgate Road, Broadstairs, Kent CT10 2DG
Attending Ecologist:	Julie Merrett (Natural England Class GCN and Dormouse licences, accredited agent under bat licence 2015-12576-CLS-CLS)
Survey Date:	28th July 2023
Site Proposals:	Clearance of a small area of deciduous woodland, and development of five dwellings with parking space and garages, entrance drive and gardens.

Associated Planning Reference Number: Unknown

Source of Relevant Documents:

Desk Study:	Kent and Medway Biological Records Centre (KMBRC), Magic Maps
Site Plans:	Invicta Arbiculture

2. Introduction

2.1 This report provides a Preliminary Ecological Assessment (PEA) detailing the status of known or potential ecological constraints to the proposed development at Wellesley House, Ramsgate Road, Broadstairs, Kent CT10 2DG. This report will identify the site's potential to support protected species and habitats, and recommend any appropriate species specific and mitigation requirements to ensure compliance with relevant national and European statutory requirements for ecological protection.

2.2 It is understood that the proposed plans include the clearance of a small area of deciduous woodland, and development of five dwellings with parking space and garages, entrance drive and gardens.

Site Location

2.3 The site is located at OS Grid reference TR 38769 67323.

The site and habitats present are shown on Figure 1 within the Figures section.

Legislation and Policies

2.4 The main legislation that applies to ecological issues within England and Wales are:

- The Conservation of Habitat and Species Regulations 2010 transposes European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. These regulations provide for the designation and protection of 'European Sites', the protection of 'European Protected Species' and the adaptation of planning controls for the protection of such sites and species. Under the regulations, public bodies have a duty in exercising their functions to have regard to the EC Habitats Directive.

- The Wildlife and Countryside Act 1981 (as amended) provides detail on a range of protection and offences relating to wild birds, other animals, and plants. The level of protection depends on which Schedule of the Act the species is listed on. Licences are available for specific purposes to permit actions that would otherwise constitute an offence in relation to species.

- The Natural Environment and Rural Communities (NERC) Act 2006 imposes obligation on all public bodies, including local authorities, to consider whether their activities can contribute to the protection of wildlife. The duty is created by section 40(1) of the Act, which states that: "Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

- Hedgerow Regulations Act 1997 serves to; enforce under the Environment Act 1995, restrict the removal of hedgerows, or parts of hedgerows which are over 20m in length. In this case, removal includes digging up and replanting elsewhere, as well as removing from the land completely or destroying in the course of other actions. This includes developments or activities which destroy the roots, causing the vegetation to die.

- Protection of Badgers Act 1992 exists to protect badgers (*Meles meles*) from cruelty. Under the act it is a criminal offense to wilfully kill, injure, take possess or cruelly ill-treat a badger, or attempt to do so, or to intentionally or recklessly interfere with a sett.

2.5 The recommendations of this report are in line with the key principles of the National Planning Policy Framework and Government Circular 06/05

2.6 Local planning policies relating to ecology are invariably based on the conservation of species protected under the above legislation, including species and habitats of principal importance listed under Section 41 of the NERC Act 2006; and the protection of designated sites. All of these features are considered within the scope of this preliminary ecological appraisal and therefore any recommendations made herein are likely to be in line with this policy.

Further information on wildlife legislation and planning policy has been included in Appendix A.

Survey Objectives

2.7 The purpose of this survey is to produce a PEA report providing an assessment of the habitats and potential for protected species on the site, informing appropriate recommendations for further surveys and mitigation where required.

2.8 The objectives of the survey were as follows:

- Classify the main habitats present within the site.
- Evaluate the ecological importance of these habitats.
- Assess buildings and trees for their potential to support roosting bats.
- Assess waterbodies within 250m for their suitability to support Great Crested Newts.
- Evaluate the potential for other protected species to occur within the site.
- Provide appropriate recommendations for further surveys and mitigation where required.

Survey Limitations

2.9 This survey records the flora and fauna evident on the day of the site visit. It does not record any flora or fauna that may appear at other times of the year, and as such, were not evident at the time of visit.

3. Survey Methodology

Desk Study

3.1 Biological records were obtained from Kent and Medway Biological Records Centre (KMBRC) for a 2km radius from the proposed site. The records obtained contain relevant records and information held by the local biological recorders for the area. An extensive search of web based information for the area was also undertaken identifying records of protected and other notable species of flora, fauna together with statutory/non-statutory wildlife sites.

3.2 Web-based resource Multi-Agency Geographic Information for the Countryside (MAGIC) was consulted to identify designated nature conservation sites within or immediately adjacent to the site surveyed.

3.3 The Thanet Local Plan Adopted July 2020 (Thanet District Council, 2020) was consulted to inform on biodiversity guidelines, specifically policies:

- SP27 – Green Infrastructure
- SP29 – Strategic Access Management and Monitoring Plan (SAMM)
- SP30 – Biodiversity and Geodiversity Assets
- SP31 – Biodiversity Opportunity Areas
- SP34 – Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds
- SP38 – Healthy and Inclusive Communities
- GI06 – Landscaping and Green Infrastructure
- SE08 – Light Pollution

3.4 The Kent Biodiversity Action Plan (Kent Biodiversity Action Plan Steering Group, 1997) was consulted to inform on Biodiversity Action Plan (BAP) priority habitats and species.

Extended Phase 1 Habitat Survey

3.5 A habitat, flora and protected species survey of the potential development site was undertaken on 28th July 2023.

3.6 The Joint Nature Conservation Committee (JNCC) Phase 1 Habitat Classification and associated field survey technique was used to provide a standardised system to record semi-natural vegetation and other wildlife habitats.

3.7 The use of this method relies on the ecologist being experienced in native botanical identification of common native plants, trees and grasses. Julie Merrett has completed botanical training with The Field Studies Council, JNCC Phase 1 Habitat Classification training with CIEEM, and undertaken botanical surveys and as such is qualified to use this methodology accurately.

3.8 A Phase 1 map of the habitats and areas of interest is provided in Figure 1.

Protected Species

3.9 The site and its immediate surroundings were considered in terms of habitats, protected species present and the potential for presence of species of principal conservation importance. The results were used to grade the site as having Negligible, Low, Moderate, or High suitability for each species.

3.10 Habitats were searched for:

- field signs of protected species in the form of latrines, feeding remains, active shelter/breeding sites.
- animal activity/behaviour if observed.
- botanically diverse habitats.

- invasive introduced plants and animals.
- habitats with the potential to support protected species.
- habitat connectivity to surrounding habitats.

3.11 A preliminary ground level roost assessment was carried out to identify, from ground level in daylight using close-focusing binoculars, any potential roost features within trees or structures with suitability to support roosting bats. Where accessible the trees on the site were assessed for cavities or holes.

3.12 The site area was searched for evidence of badger *Meles meles* such as the presence of setts, foraging evidence, access runs, tracks and prints.

3.13 The site was assessed for nesting and foraging potential for birds. Factors considered include suitable cover and feeding habitat, the presence of used and disused nests and birds displaying courtship or nesting characteristics.

3.14 The site was assessed for potential reptile habitat, also taking into consideration connectivity with adjacent habitat.

3.15 During the walkover survey of the site and wider area, any potential was also noted for all habitats of other protected species including great crested newts (GCN), hazel dormice and invertebrates.

4. Survey Results

Site Overview

4.1 The site comprises a generally rectangular shaped area of deciduous trees and shrubs, hard standing or bare earth drives and site works area. Wellesley School buildings, drive, car park and amenity areas are to the north and west, an active small development site to the east, and Ramsgate Road to the south. The site is within the town of Broadstairs with urban development to the east, south and west, and Wellesley House School playing fields to the north. In the wider area there are further amenity areas to the north, Dumpton Bay to the east, and agricultural land to the south west, all separated from the site by urban development. The pictures below show various views of the site.

Plate 1: Entrance track through centre of site with trees and bushes either side.

Plate 2: Hard standing works area on east side of the site.

Plate 3: Trees and shrubs on west boundary.

Plate 4: Spoil mound on west side of woodland, beside drive.

Plate 5: Trees and shrubs on north side of the site and entrance track.

Plate 6: Area of cleared trees and shrubs on the north side of the site, adjacent the school car park..

Designated Nature Conservation sites

4.2 There are five statutory designated conservation sites within 2km of the planned works site. These are:

- Thanet Coast & Sandwich Bay SPA which is approximately 1km to the east at it's closest point.
- Thanet Coast SSSI which is approximately 1km to the east at it's nearest point.
- Thanet Coast & Sandwich Bay Ramsar, which is approximately 1km to the east at it's closest point.
- Thanet Coast MCZ, which is approximately 1.1km to the east at it's closest point.
- Thanet Coast SAC which is approximately 1.1km to the east at it's closest point.

4.3 The above statutory designated sites combined are recognised for their variety of coastal habitats which include areas of chalk cliff, rocky shore, shingle, sand and mudflats, saltmarsh and sand dunes. The area supports breeding and wintering birds, and outstanding communities of terrestrial and marine species, rare invertebrate species, and is of geological importance.

4.4 There are three non-statutory designated conservation local wildlife site (LWS) within 2km of the proposed development site. These are:

- Ramsgate Cemetery (TH15) which is approximately 1.1km to the south of the planned works.
- St Peter's Quarry (TH2) which is approximately 1.25km to the north of the planned works.
- St Peter's Churchyard, Broadstairs (TH07), which is approximately 1.25km to the north west of the planned works.

4.5 None of the statutory and non-statutory designated sites within 2km of the planned works will be impacted by the development due to being separated from the site by distance and urban development.

4.6 See the Figures section for the maps showing all the statutory and non-statutory sites in relation to the proposed works.

Phase 1 Habitat Survey

4.7 See Figure 1 in the Figures section for the location of habitats on the site.

Habitat overview

4.8 The site is in use in part as a works area for an adjacent development. The site is dominated by bare-earth/hard standing, and areas of deciduous woodland and boundary trees. A small area of recent felling was also observed at the north, adjacent the school car park. The woodland areas consisted of predominately immature and semi-mature native and introduced deciduous trees, with few mature trees present. The understorey included introduced species and ivy cover. The site is adjacent to Wellesley House School grounds to the north and west, urban development to the east, and a main road to the south.

4.9 Phase 1 habitats identified on site are listed below using the JNCC terminology JNCC (2010). See Figure 1 for the location of habitats on site.

4.10 Broad-leaved plantation woodland (A1.1.2)

The woodland areas on the site consisted of predominantly planted broad-leaved trees and shrub understorey. The species included Sycamore *Acer pseudoplatanus*, cherry *Prunus avium,* beech *Fagus sylvatica*, ash *Fraxinus excelsior*, holly *Ilex sp.*, horse chestnut *Aesculus hippocastanum*, oak *Quercus sp.*, and false acacia *Robinia pseudoacacia*. The understorey included *cotoneaster sp.*, snowberry *Symphoricarpos albus*, *fuchsia sp*, spotted laurel *Aucuba japonica*, ivy *Hedera helix*, elder *Sambucus nigra,* and bindweed *Calystegia sepium*. The

ground flora on the edge of the woodland included Green alkanet *Pentaglottis sempervirens*, dog mercury *Mercurialis perennis*, ivy, garlic mustard *Alliaria petiolata*, groundsel *Senecio vulgaris* and bramble *Rubus fruticosus*.

4.11 Recently-felled woodland (A4.1)

A small area of recently felled woodland/bushes was observed on the north of the site adjacent the school car park.

4.12 Bare ground (hard-standing) (J4)

There are large areas of bare ground or hard-standing across the site in the form of the entrance drive, a parking area, and a works area for an adjacent development to the east. Spoil from adjacent development works was also being stored on the site at the time of the site visit.

Protected Species

Flora

4.13 The site itself is dominated by bare earth/ hard-standing with areas of both native and non-native deciduous trees, with ivy and introduced species (garden escapees) understorey, which provides sub-optimal habitat for protected species such as pyramidal orchid *Anacamptis pyramidalis*, lizard orchid *Himantoglossum hircinum* or butcher's-broom *Ruscis aculeatus* which have been recorded within 2km of the site. The ground flora on site consisted of both native and non-native species including *cotoneaster sp.*, snowberry, *fuchsia sp*, and elder.

4.14 Ruderals including Green alkanet, dog mercury, ivy, garlic mustard, groundsel and bramble were also observed on the woodland boundary.

4.15 The species on site are common, and the habitats easily reproduced. The site should therefore be considered to have a **low potential** for notable or protected flora due to sub-optimal habitat.

Great Crested Newt

4.16 No records of great crested newt (GCN) have been identified within 2km of the site. Records of smooth newt *Lissotriton vulgaris* and common frog *Rana temporaria* have been recorded within 2km of the site, the closest records being for common frog approximately 250m to the east.

4.17 There are no ponds on the site itself to support breeding amphibians, and one small garden pond 460m to the north of the site, separated by urban development. The site itself contains deciduous woodland areas which provides foraging potential, and log, brash and spoil piles (Plates 4,7 and 8) which provide potential foraging, refugia and hibernacula opportunities for amphibians. There is limited connectivity to other suitable habitats to the west of the site, with the north, east and south being bordered by development, which is likely to deter amphibians from commuting into the site.

Plate 7: Brash in woodland on site providing potential refugia.

Plate 8: Log pile and refuse piles on the site.

4.18 Due to the lack of ponds on the site and connectivity waterbodies, the site should be considered to have a **negligible potential** to support breeding GCN and other amphibians. Due to the suitable foraging and refugia habitats on site for amphibians, but limited connectivity to other areas of suitable habitat, the site should be considered to have a **low potential** to support foraging and hibernating amphibians.

4.19 Common amphibian species are afforded limited legal protection under the Wildlife & Countryside Act 1981 (as amended). GCN's are afforded legal protection under Schedule 5 of The Conservation of Habitats Species Regulations (2010) (as amended) and Schedule 2 of The Conservation of Habitats Species Regulations (2010) (as amended) (See Appendix A).

Reptiles

4.12 Common lizard *Zootica vivipara* and slow-worm *Anguis fragilis* have been recorded within 2km of the site, although the closest records were approximately 1.4km from the site. The planned works area itself provides limited potential for common reptiles due being a mix of woodland which provides foraging, and bare earth which provides basking opportunities but little cover from predators. There is limited connectivity to other suitable habitats to the west of the site, with the north, east and south being bordered by development, which is likely to deter reptiles from commuting into the site.

4.21 Therefore, the site itself should be considered to have a **low potential** for common reptiles foraging and commuting within the site.

4.22 Common reptiles are afforded legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) (See Appendix A).

Birds

4.23 Numerous records of birds were identified within 2km of the site, including kestrel *Falco tinnunculus*, barn owl *Tyto alba* and green woodpecker *Picus viridis*, although not on the site itself. The site itself provides nesting potential for birds within the semi-mature and mature trees and dense areas of ivy. A woodpigeon *Columba palumbas* was observed nesting in ivy cover of a cherry tree on site (Plate 9; Target Note 1), and a hobby *Falco Subbuteo* nest was identified in a holly tree (Plate 10; Target Note 2), which had been observed with young previously in the season (Hone, 2023).

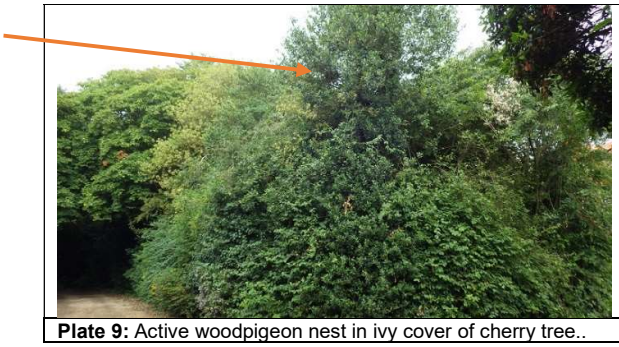

Plate 9: Active woodpigeon nest in ivy cover of cherry tree..

Plate 10: Hobby nest observed in use in May 2023.

4.24 Therefore, the site itself should be regarded as having a **moderate potential** to support nesting birds within the trees and dense ivy on site.

4.25 All species of birds whilst actively nesting are afforded legal protection under the Wildlife & Countryside Act 1981 (as amended) and special penalties are available for offences related to birds listed on Schedule 1 (See Appendix A).

Badger

4.26 No signs of badger in the form of latrines, setts, hairs or snuffle holes were observed on the site itself or in the form of paths leading to adjacent areas. The site provides suitable woodland habitat for this species. The site is due bordered by urban development/roads to the south and east, but there is foraging and commuting potential within the school grounds. The site should therefore be considered to have a **low potential** to support foraging badgers.

4.27 Badgers are afforded legal protection under the Badgers Act 1992 and Schedule 6 of the Wildlife & Countryside Act 1981 (as amended) (See Appendix A).

Bats

4.28 There are numerous records of bats within 5km of the site, including common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus,* Nathusius' pipistrelle *Pipistrellus nathusii*, serotine *Eptesicus serotinus,* and brown long-eared *Plecotus auritus.* There are records of 7 bat roost within 2km of the site. Two of these are hibernation roosts (the closest being approximately 1km to the north), and two are maternity roosts (the closest being approximately 600m to the south). The closest bat record to the site is approximately 400m to the south (see Figures section for map with roosts and records within 2km of the planned works), although surveys undertaken in 2020 (Bakerwell, 2020) confirmed foraging on the site by Nathusius and common pipistrelle.

4.29 There are no buildings on the site to provide roosting potential for bats, however there were some trees of an age and type which could provide potential roost features, although none were observed from ground level. It is understood that a number of trees on site are to be felled as part of the planned works.

4.30 The woodland areas on the site itself provide confirmed foraging habitat for bats locally. The site itself should therefore be considered to have **low-moderate potential** for foraging and commuting bats.

4.31 All species of bat are afforded legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats Species Regulations (2010) (as amended) (See Appendix A). All species of bat are European Protected Species (EPS).

Hazel Dormouse

4.32 There are no records of Hazel dormice *Muscardinus avellanarius* within 2km of the site. While the site itself contains deciduous woodland, it is of small area and lacks aerial connectivity to hedges or suitable woodland habitat in the wider area. Therefore the site itself should be considered to have a **negligible potential** to support hazel dormouse.

4.33 Hazel dormice are afforded legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (See Appendix A). The dormouse is a European Protected Species (EPS).

Invertebrates

4.34 Records of notable invertebrates including swallowtail *Papilio machaon* and jersey tiger *Euplatia quadripunctaria* were identified within 2km of the site. The habitats on site are sub-optimal for notable invertebrates such as the butterfly species identified, but due to the fallen brash and log piles on site have potential to support species such as stag beetle within rotting wood if present locally. Therefore it should be considered that the site itself has a **low potential** to support notable invertebrates.

Hedgehog

4.35 No records of Hedgehog *Erinaceus europaeus* were identified within 2km of the site, although the woodland habitat and log and brash piles on site provide foraging and commuting potential It should be considered that the site has a **low potential** to support Hedgehog within the site boundaries.

4.36 Hedgehog are afforded legal protection under schedule 5 of the Wildlife & Countryside Act 1981(as amended).

Other Protected Species

4.37 No other protected species recorded within 2km of the site, such as grey seal *Halichoerus grypus* or common porpoise *Phocoena phocoena* have potential to be supported on or adjacent to the site due to the lack of optimal habitat.

Invasive Species

4.38 No signs of invasive plants such as Himalayan Balsam *Impatiens glandulifera* or Japanese Knotweed *Fallopia japonica* were observed on or adjacent to the site during the survey.

5. Conclusions and Recommendations

Designated Areas

5.1 There are five statutory designated conservation sites within 2km of the planned works site. There are Thanet Coast & Sandwich Bay SPA, Thanet Coast SSSI, Thanet Coast & Sandwich Bay Ramsar, Thanet Coast MCZ, and Thanet Coast SAC.

5.2 Non-statutory designated conservation LWS Ramsgate Cemetery, St Peter's Quarry, and St Peter's Churchyard, Broadstairs are within 2km of the planned works.

5.3 None of the statutory or non-statutory designate sites within 2km of the planned works will be impacted by the development due to separation by distance and urban development.

Habitats and Botanical Species of Interest

5.5 The site itself is dominated by bare earth/ hard-standing with areas of both native and non-native deciduous trees, with ivy and introduced species (garden escapees) understorey, which provides sub-optimal habitat for protected species. The ground flora on site consisted of both native and non-native species.

Protected Species

Great Crested Newt and Reptiles

5.6 Due to the lack of ponds on the site, the site should be considered to have a **negligible potential** to support breeding GCN and other amphibians. Due to the suitable foraging and refugia habitat on site for amphibians and reptiles, but limited connectivity to other suitable habitats, the site should be considered to have a **low potential** to support foraging and hibernating amphibians and reptiles. Therefore, no further surveys are required for GCN or reptiles.

5.7 It is understood the works include the felling of trees and clearance of areas of vegetation on the site. As a precautionary measure prior to the start of works on site it is recommended that any potential hibernacula such as brash/rubble/spoil piles, and ruderal or scrub growth be cleared under supervision of a suitably ecologist on warm days during reptile active season of March-September. Clearance works should be undertaken in a three-phase approach under ecological supervision:

- Phase 1: Removal of brash/rubble piles by hand, and removed from the site or used to create hibernacula adjacent the hedges on site. Spoil piles to be removed by digger with forked bucket under ecological supervision.
- Phase 2: First stage of strimming of any vegetation regrowth to a height of 10cm, strimming systematically and slowly towards the boundary to enable any reptiles/amphibians which may be present to move away from the works area.
- Phase 3: Forty-eight hours after the first stage cut, the vegetation should be strimmed to ground level, using the same method as for Phase 2.

5.8 During development works, any rubble or works materials should be left on hard-standing to avoid attractive reptiles or amphibians which may use it for refuge. In the unlikely event that any GCN or reptiles are observed during the development works, then works should cease immediately in that area and an ecologist contacted for advice.

Birds

5.9 The site provides nesting potential for birds within the semi-mature and mature trees and dense areas of ivy, with nesting observed. The site was therefore assessed with **moderate potential** to support nesting birds. As all nesting birds are protected under the Wildlife and Countryside

Act 1981 (as amended), any tree or vegetation clearance works should be conducted outside the core breeding period for birds of March-August inclusive (although it should be noted that species such as pigeon can breed all year round and remain protected).

5.10 Should this timeframe be unobtainable, a thorough search for the presence of breeding birds should be conducted by a suitably experienced ecologist prior to the start of works. Should evidence of breeding birds be recorded, works within 5m of the nest or which have potential to destroy the nest should stop until the eggs have hatched and chicks fledged, or the nest is deemed by a suitably experienced ecologist to have been abandoned.

Badger and hedgehog

5.11 No signs of badger were observed on the site during the walkover, but it does provide potential habitat for this species. The site itself should there be considered to have a **low potential** to support foraging badgers, and no further surveys are recommended.

5.12 As a precautionary measure, any holes or trenches on the site should be either covered over night to prevent badger or other animals falling in and getting stuck, or alternatively ramps should be placed in the trench to enable animals to escape in the unlikely event they access the site.

Bats

5.13 It is understood that a number of the trees on site are to be felled as part of the planned works. While no potential roost features were observed from ground level, as a precautionary measure it is recommended that any semi-mature or mature trees be felled using a soft-fell methodology, and under ecological supervision.

5.14 The site itself provides potential foraging habitat for bats locally and should be considered to have **low-moderate potential** for foraging and commuting bats. Due to the limited area of the site, no bat activity surveys are recommended. However, any loss of potential foraging habitat should be compensated for as part of the biodiversity enhancements.

Bats and lighting

5.15 During development works and for the operation of the new dwelling on site, light spill onto the surrounding vegetation is to be avoided, in particular the bordering trees and shrubs to the south and west, to avoid adversely impacting foraging bats in area. The latest lighting guidance from the bat conservation trust which can be found at this link below:
https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/

Hazel dormice

5.16 The site has been assessed as having a **negligible potentia**l for dormice, with no records identified within 2km of the site and no aerial connectivity to suitable habitat or populations within the wider area. Therefore, no further surveys are required for this species.

Other species

5.17 Beyond those noted above, there are no obvious of immediate issues regarding protected species on the site.

5.18 Should at any point during the development a protected or notable species be identified within the site, then all works should stop, and the appointed ecologist consulted on the appropriate manner in which to proceed.

6. Biodiversity Protection and Enhancement Opportunities

6.1 Ecological enhancements should where possible be incorporated into the proposed development to contribute towards the objectives of planning legislation identified within the National Planning Policy Framework (NPPF)

6.2 In accordance with the above plans: “Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests” and together with the Natural England & Rural Communities Act 2005, places a statutory duty to promote biodiversity and minimise impacts of a development upon ecology.

6.3 Furthermore, in accordance with the principles of NPPF, developments should contribute towards the degree of connectivity between natural habitats and avoid the effects of habitat fragmentation and isolation. These networks of habitats provide valuable routes or stepping-stones for the migration, dispersal and genetic exchange of species within the wider environment. Existing networks, where possible, should be strengthened by, or integrated within, new developments.

The following measures are recommended to protect the biodiversity of the site. These include:

- Any lighting on the site should follow the guidelines in section 5.15 to prevent impact to foraging bats and other nocturnal creatures.

- It is recommended that mature trees should be retained where possible. Tree protection measures should be implemented according to BS 5837:2012 ‘trees in relation to design, demolition and construction’.

- Native species hedging could be planted on the boundary of the proposed development area to provide nesting potential for birds, and foraging potential for birds, bats and invertebrates. Species could include:
  - Hazel *Corylus avellane*,
  - Beech *Fagus sylvatica*,
  - hornbeam *Carpinus betulus*
  - guelder rose *Viburnum opulus*.

- To compensate for the loss of trees on the site, and improve biodiversity and foraging and/ or nesting potential for local bats, birds and invertebrates, the landscaping should include the planting of replacement native tree species. The species could include:
  - Hazel *Corylus avellane*
  - Beech
  - Field Maple *Acer capestre.*
  - Hawthorn
  - Wild cherry

- To improve bird nesting potential of the site, nest boxes for species such as swift and sparrow could be attached or integrated into the new dwellings being developed on the site. In addition, bird boxes could be installed on retained trees within the site. Examples of good bird box designs are found below and can be sourced at: http://www.wildcareshop.com/product/nest-boxes-artificial-habitats/bird-boxes.html

- To improve bat roosting potential on the site, bat boxes could be incorporated into, or attached onto the new dwellings being developed on the site. These should be at a height of at least four metres above ground level facing south or south west with a clear flight path to the roost.

7. Summary

7.1 In response to the proposed development at Wellesley House, Ramsgate Road, Broadstairs, Kent CT10 2DG the site has been subject to a Preliminary Ecological Assessment (PEA). The site's potential to support protected species and habitats has been assessed and appropriate recommendations provided.

7.2 There are five statutory designated sites, and three non-statutory designated sites within 2km of the proposed works. None of these sites is impacted by the planned works.

7.3 Precautionary methodology for the site clearance has been recommended in respect of GCN, other amphibians, and reptiles.

7.4 There is potential for nesting birds in the trees and shrubs on the site. Recommendations in regard to timings and methods of best practice for breeding birds have been provided.

7.5 Recommendations in regards to precautionary measures have been provided for the trees on site to be felled in regards to roosting bat potential.

7.6 Best practice guidance has been given to prevent badgers and hedgehogs becoming trapped in diggings during the development.

7.7 The likelihood of other protected and notable species to occur within the site is considered negligible and no further surveys for other protected species are required.

7.8 Should at any point during the development a protected or notable species be identified within the site then all works should stop, and the appointed ecologist consulted on the appropriate manner in which to proceed.

7.9 Recommendations to protect local biodiversity and enhance the site for wildlife have been provided.

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Figures

Figure 1: Phase 1 habitat map for site.

Kent & Medway Biological Records Centre

Map showing the statutory and non-statutory designated sites, ancient woodland and water features at Wellesley House, Broadstairs
Julie Merrett, Hone Ecology
ENQ/23/341 28/07/2023

0 0.5 1 2 Kilometres

N

636000 637000 638000 639000 640000 641000

169000 168000 167000 166000

BROADSTAIRS AND ST PETERS CP
Westwood
BROADSTAIRS
St Peter's
Fairfield
Broadstairs
Upton
Northwood
Isle of Thanet
Haine
Dumpton
West Dumpton
Whitehall
Newington
St Lawrence

Thanet Coast SSSI
TH07 St Peter's Churchyard, Broadstairs
Thanet Coast & Sandwich Bay SPA
TH2 - St. Peter's Quarry
Thanet Coast SSSI
Thanet Coast & Sandwich Bay Ramsar
Thanet Coast SAC
Thanet Coast MCZ
Thanet Coast & Sandwich Bay Ramsar
Thanet Coast SSSI
Thanet Coast & Sandwich Bay SPA
Thanet Coast SSSI
Thanet Coast SSSI
Thanet Coast SSSI
TH15 Ramsgate Cemetery
Thanet Coast SSSI
Thanet Coast SSSI

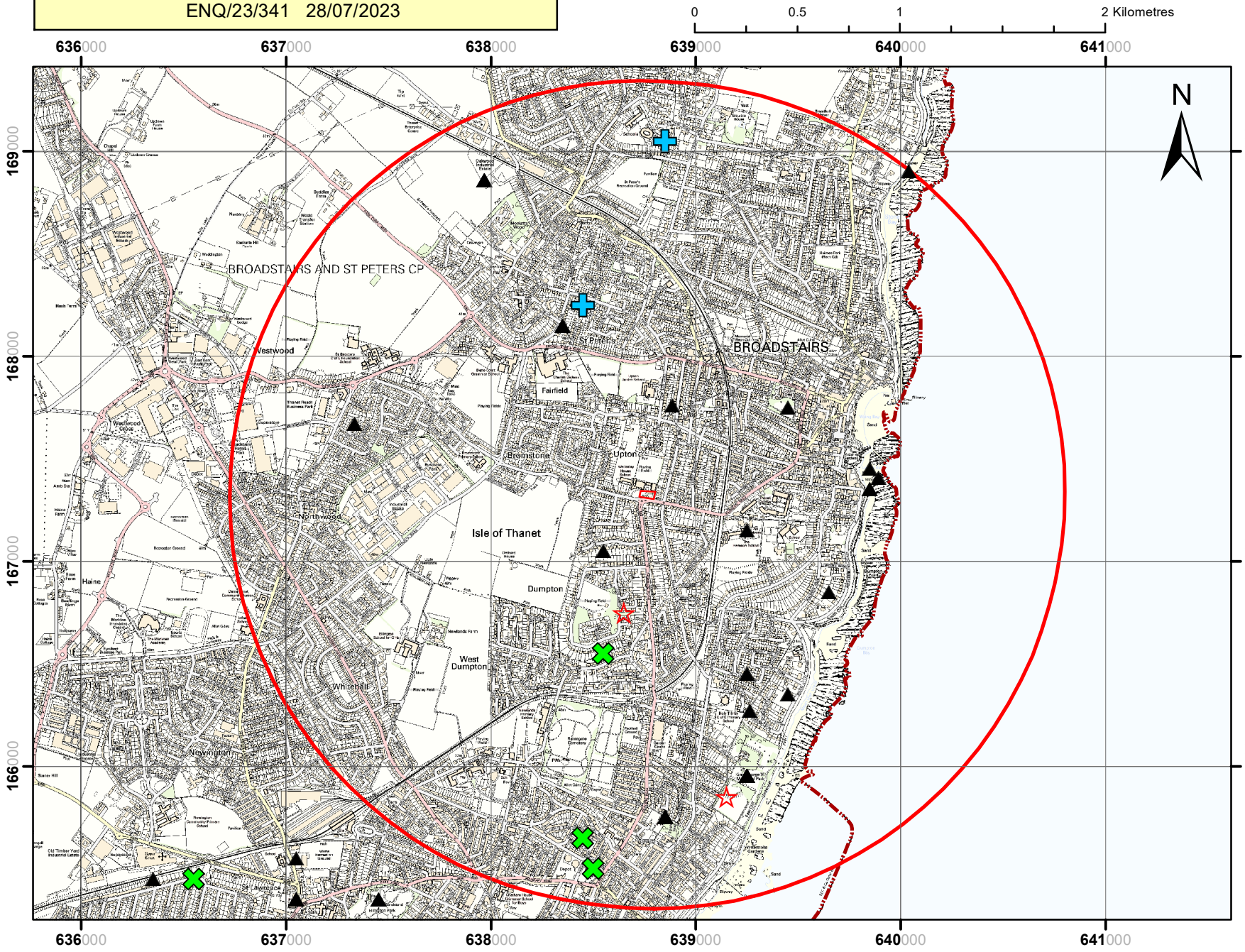
KEY

- Study Area
- Site Boundary
- Ramsar Site
- Special Protection Areas
- Special Areas of Conservation
- Sites of Special Scientific Interest
- Designated MCZ
- Local Wildlife Site
- RIG Site
- Water Feature
- County Boundary

Kent & Medway Biological Records Centre

Kent & Medway Biological Records Centre

Known Bat Roost Locations at
Wellesley House, Broadstairs
Julie Merrett, Hone Ecology
ENQ/23/341 28/07/2023



KEY

- Study Area
- Site Boundary

Roost Type

- Maternity Roost
- Hibernating Bat
- Roost (unknown type)
- Flying Bat

This map should be used in conjunction with the accompanying bat records report.

To convert from the eastings and northings grid shown to a standard OS grid reference, use the first digit from the easting to determine the 10km square: a **5** corresponds to **TQ** and a **6** to **TR**. The second and third digits from the easting and northing give the rest of the grid reference for the 1km square.

For example, coordinates (**602**000,1**58**000) tell you the grid square is **TR0258**.

Kent Bat Group

Kent & Medway Biological Records Centre

Appendix A Legislation

The following is a summary of wildlife legislation and planning policy relevant to protected plant and animal species in the UK.

The sections on legislation have been extracted from the Joint Nature Conservation Committee's website and the Department of the Environment, Food and Rural Affairs website.

The Conservation of Habitats Species Regulations (2010) (as amended)

The Conservation of Habitats Species Regulations (2010) (as amended) consolidate all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. The Regulations provide for the designation and protection of a network of 'European Sites' termed Natura 2000, the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

Amendments to the Habitats Regulations for England and Wales and the new Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 came into force on the 21st August 2007.

The amendments relate to the protection status of European protected species covered by the Habitats regulations. Taken together it is an offence to undertake the following acts with regard to European Protected Species:

(a) deliberately capture, injure or kill any wild animal of a European Protected Species;

(b) deliberately disturb animals of any such species in such a way as to be likely to significantly affect:

> *(i) the ability of any significant group of animals of that species to survive, breed, or rear or nurture their young, or*
>
> *(ii) the local distribution or abundance of that species;*

(c) deliberately take or destroy the eggs of such an animal; or

(d) damage or destroy a breeding site or resting place of such an animal.

An offence will only be committed if the deliberate disturbance is likely to **significantly affect** a **significant group** of animals of that species' ability to survive, breed, or rear or nurture its young or **significantly affect** the local distribution or abundance of that species.

Any biological definition of what constitutes a significant group of animals should take into account the local abundance of the species, its behaviour and the circumstances in which the disturbance takes place. Species that tend to be solitary, **such as dormice**, probably never form significant groups of adults, but a family group with dependent young could constitute such a group, particularly if the species is rare in the area.
The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb or trade in the animals listed in **Schedule 2** or damage or destroy a breeding site or resting place of such an animal; or pick, collect, cut, uproot, destroy, or trade in the plants listed in **Schedule 4**. However, these actions can be made lawful through the granting of licences (European Protected Species Licence) by the appropriate authorities (Natural England in England and Countryside Council for Wales). Licences may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that:

- **Regulation 44 (2)(e)** the development is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'.
- **Regulation 44 (3)(a**) there is 'no satisfactory alternative'.

- **Regulation 44 (3)(b)** the action 'will not be detrimental to the maintenance of the population of the species at favourable conservation status in their natural range'.

To apply for a licence, the following information is required:

- The species concerned.
- The size of the population at the site (note this may require a survey to be carried out at a particular time of the year).
- The impact(s) (if any) that the development is likely to have upon the populations.
- What measures can be conducted to mitigate for the impact(s).

Amendments to the Habitats Regulations for England and Wales and the new Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 came into force on the 21st August 2007. Both Regulations revised the definition of deliberate disturbance of European Protected Species.

The Wildlife & Countryside Act (as amended) 1981

The Wildlife & Countryside Act 1981 (as amended) is the principal piece of UK legislation relating to the protection of wildlife. It consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain.

The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally kill, injure, or take any wild bird or their eggs or nests. Special penalties are available for offences related to birds listed on **Schedule 1**, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The Act also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.

The Act makes it an offence (subject to exceptions) to intentionally kill, injure, or take, possess, or trade in any wild animal listed in **Schedule 5**, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals listed in **Schedule 6**.

The Act makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in **Schedule 8**, and prohibits the unauthorised intentional uprooting of such plants.

The Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in **Schedule 9**. It also provides a mechanism making any of the above offences legal through the granting of licences by the appropriate authorities.

The Countryside & Rights of Way Act 2000

The Countryside and Rights of Way Act 2000 (CRoW) was passed to provide additional levels of protection for wildlife whilst also strengthening the protection afforded to Sites of Special Scientific Interest. The CRoW act now makes it an offence to ‘recklessly’ harm the majority of species listed on the Schedules of the Wildlife and Countryside Act.

The Act places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity **(Section 74)**.

Schedule 12 of the Act amends the Wildlife and Countryside Act 1981, strengthening the legal protection for threatened species. The provisions make certain offences 'arrestable', create a new offence of reckless disturbance, confer greater powers to police and wildlife inspectors for entering

premises and obtaining wildlife tissue samples for DNA analysis, and enable heavier penalties on conviction of wildlife offences.

Natural Environment & Rural Communities Act 2006

The Natural Environment & Rural Communities Act 2006 (NERC) is designed to help achieve a rich and diverse natural environment and thriving rural communities through modernised and simplified arrangements for delivering Government policy.

It was created to make provision in connection with wildlife, sites of special scientific interest, National Parks and the Broads; to amend the law relating to rights of way; to make provision as to the Inland Waterways Amenity Advisory Council; to provide for flexible administrative arrangements in connection with functions relating to the environment and rural affairs and certain other functions; and for connected purposes.

NERC carries an extension of the CRoW Act biodiversity duty to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity.

The Badger Act 1992

In the UK, badgers are primarily afforded protection under the Protection of Badgers Act 1992. This makes it illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so and to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.

Badgers also receive limited protection under Schedule 6 of the Wildlife & Countryside Act 1981 (as amended). This outlaws certain methods of taking or killing animals.

Under Section 10 (1)(d) of the Protection of Badgers Act 1992, a licence may be granted by Natural England to interfere with a badger sett for the purpose of development, as defined by Section 55(1) of the Town & Country Planning Act 1990.

Section 3 of the Protection of Badgers Act 1992 defines interference as:

a) Damaging a badger sett;
b) Destroying a badger sett;
c) Obstructing access to, or any entrance of, a badger sett;
d) Causing a dog to enter a sett; or
e) Disturbing a badger when it is occupying a badger sett.

The Wild Mammals Act 1996

The Wild Mammals (Protection) Act (1996) makes it an offence for any person to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

The Abandonment of Animals Act 1960

The Abandonment of Animals Act comes into force when an animal is abandoned, whether permanently or not, in circumstances likely to cause unnecessary suffering. With regards to development, this has implications when translocations of animals are proposed. As such, care must be taken to ensure that any receptor sites are suitable for the species in terms of habitat and carrying capacity in order that minimal stress and suffering is imposed upon the animal(s) concerned.

The Hedgerows Regulations

The Hedgerows Regulations 1997 were introduced to protect hedgerows of importance from destruction. The Regulations define a hedgerow as, ‘a row of bushes forming a hedge with the trees growing in it’. The law however does not clarify the difference between a line of trees and a hedgerow.

However the legislation does not apply to any hedgerow (even if it is within the list above) which is 'within or marking the boundary of the curtilage of a dwelling house'.

For the Regulations to be applicable, the hedgerow must be at least 20 metres in length and less than 5 metres wide. A hedgerow is deemed to be important if it is more than thirty years old and meets at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

If a hedgerow that qualifies under the Regulations is to be removed, the landowner must contact the Local Planning Authority (LPA) in writing by submitting a hedgerow removal notice. The LPA then has a period of 42 days to decide whether or not the hedgerow meets the importance criteria of the regulations.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the view of central Government on how planners should balance nature conservation with development and helps ensure that Government meets its biodiversity commitments with regard to the operation of the planning system. It is a key objective of NPPF to:

"promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

NPPF states that development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas, including biodiversity. It also states that the aim of planning decisions should be to prevent harm to biodiversity conservation interests and to "promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.

Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot be reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

This means that full ecological surveys should be carried out and suitable mitigation measures proposed prior to any planning application being submitted. It is common practice for planning officers to consult Natural England or other conservation bodies for advice regarding the suitability of proposals in relation to biodiversity conservation.

Biodiversity Action Plans

Biodiversity Action Plans (BAPS) set out actions for the conservation and enhancement of biological diversity at various spatial scales. They consist of both Habitat Action Plans (HAPs) and Species Action Plans (SAPs).

The UK BAP was the UK's response to the 1992 Convention on Biological Diversity in Rio de Janeiro. Following a review in 2007 a list of 1149 priority species and 65 priority habitats has been adopted, which are given a statutory basis for planning consideration under Section 74 of the CRoW Act 2000.

Red Data Books

Red Data Books (RDB) is an additional method for determining rarity of species and is often seen as a natural progression from Biodiversity Action Plans.

RDB species have no automatic legal protection (unless they are protected under any of the legislation previously mentioned). Instead they provide a means of assessing rarity and highlight areas where resources may be targeted. Various categories of RDB species are recorded ranging from RDB 1 (endangered) through to RDBX (extinct). As with Biodiversity Action Plans, where possible, steps should be taken to conserve RDB species, which are to be affected by development.