

**From:** [Richard Timms](#)  
**To:** [Planning Comments](#)  
**Subject:** FW: 23/500899/OUT / Land North Of The A20, Hollingbourne / Ecology Comments  
**Date:** 22 June 2023 09:04:02

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Please log and upload

**Richard Timms** MRTPI  
Principal Planning Officer  
Development Management  
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**From:** Emma.England@kent.gov.uk <Emma.England@kent.gov.uk>  
**Sent:** 14 June 2023 18:06  
**To:** Richard Timms <RichardTimms@maidstone.gov.uk>  
**Cc:** Helen.Forster@kent.gov.uk  
**Subject:** 23/500899/OUT / Land North Of The A20, Hollingbourne / Ecology Comments

Dear Richard,

With regards to the proposed lighting for application 23/500899/OUT – Land North of the A20, Hollingbourne and your questions:

1. Can the issues be resolved by condition?
2. Do we support a reason for refusal on this matter at appeal?

Before answering these questions, I would like to summarise the information that we have:

- No dormouse or bat activity surveys have been conducted around the boundaries of the site as the ecologists stated that the boundaries will experience no additional lighting (assessment based on the draft lighting report). The ecologists concluded no surveys needed to assess the baseline as there could be no impacts to these animals. This would be a reasonable approach to take were this to be the case and had this assertion been based on an accurate interpretation of the information provided within the submitted lighting reports.
- The submission lighting reports do indicate increased lighting at the boundaries. We take an increase in lighting to be where illuminance is above 0.2 lux on the horizontal plane and above 0.4 lux on the vertical plane as per ILP guidance on Bats and Artificial Lighting.
- Baseline light levels were recorded as very low along most of the boundaries at the site and at many points could be considered to be completely dark (as per ILP guidance on Bats and Artificial Lighting).
- In the absence of survey data, but based on data for surveys carried out at the adjacent site, it would be reasonable to assume dormouse use the boundary vegetation on-site. It would also be reasonable to assume that bats could roost in suitable trees along the boundaries and forage/commute along the boundary vegetation. Light sensitive bat species were recorded using the boundaries at the adjacent site. Light sensitive bats in particular will need to be afforded a policy of no additional lighting at the boundaries to

be assured they can continue to use the boundaries.

- As bats and dormice (legally protected) are likely to use the boundary vegetation as habitat, and as there is an increase in light along the boundaries of above 0.4 lux on the vertical plane, there is therefore potential for there to be impacts to bats and dormice at the boundaries.

#### Question 1

Following from the above, it would be reasonable to ensure that biodiversity is protected at the boundaries, and in line with current policy and legislation, to place a condition upon any granted planning permission to ensure the lighting plan is altered to provide zero additional lighting to boundary vegetation/links between vegetation to ensure that flight lines/commuting lines on and off-site can be maintained. However, we should make clear that we are not lighting engineers and you would need to be satisfied that changes to the plans to bring about zero additional lighting at the boundaries is achievable and so any condition could be discharged. Evidence to discharge the condition would need to include lux level contour plans, and representations of lux levels on vertical planes at the boundaries.

#### Question 2

The lighting plan is in contradiction with the conclusions of the EclA. Bat/dormouse surveys have not been carried out to understand the baseline, although as stated above, assuming presence is reasonable. For example, sufficient data exists to indicate that very light sensitive bats, could be impacted by the current lighting levels proposed as part of this scheme.

I should note that the boundary vegetation does not surround the whole site, there are large roads to the north, east and south of the site and connectivity to surrounding habitat is already quite fragmented. I would expect surveys to indicate a local level impact upon species populations due to lighting.

In conclusion it is likely that the lighting plan would currently be in contravention of the following:

Because of the risk of an impact along the boundaries, there is a lack of survey data clearly demonstrating that proposed lighting will not have an impact upon bats; paragraph 99 of ODPM 06/2005 states *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.

Bats and dormice European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows. Artificial lighting can also disturb dormice and this could also constitute an offence. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon these species are a material consideration in any planning permission under the

Natural Environment and Rural Communities Act 2006 and through the National Planning Policy Framework 2021.

I hope this helps Richard. Any questions just ask or call.

Kind regards,

Emma

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Please note I work part-time – my working days are Tuesday, Wednesday and Thursday

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**From:** Richard Timms <[RichardTimms@maidstone.gov.uk](mailto:RichardTimms@maidstone.gov.uk)>  
**Sent:** Monday, June 12, 2023 11:49 AM  
**To:** Emma England - GT EW <[Emma.England@kent.gov.uk](mailto:Emma.England@kent.gov.uk)>  
**Subject:** RE: 23/500899/OUT / Land North Of The A20, Hollingbourne / Ecology Comments

Hi Emma

Can you give me a ring on this application please.

I need to know whether the lighting issue could potentially be resolved by condition or whether you would support a reason for refusal on this matter at appeal?

Thanks

**Richard Timms** MRTPI  
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