



ECOLOGICAL ADVICE SERVICE

TO: *Richard Timms*

FROM: *Emma England*

DATE: *20 April 2023*

SUBJECT: *23/500899/OUT / Land North Of The A20, Hollingbourne*

The following is provided by Kent County Council's Ecological Advice Service (KCC 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.

SUMMARY – ADDITIONAL INFORMATION REQUIRED

We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application:

- Evidence of the location and proposed habitat creation for land to be used for off-site biodiversity net gain; and
- Lighting contour plans reviewed by a suitably qualified ecologist to demonstrate that there will be no additional illumination of hedgerows at the site boundaries on the horizontal or vertical planes. These lighting contour plans should be produced in a manner that means they can be easily understood by non-lighting professionals. Guidance regarding the information that would need to be presented, is provided in the 2018 Institute of Lighting Professionals (ILP) Guidance Note 8: Bats and Artificial Lighting¹.

Biodiversity Net Gain

The submission of a biodiversity metric is welcomed. The submitted biodiversity gain plan indicates a 39.94% biodiversity net loss from the site. The proposed layout would not

¹ [Guidance Note 8 Bats and artificial lighting | Institution of Lighting Professionals \(theilp.org.uk\)](https://www.theilp.org.uk/guidance-note-8-bats-and-artificial-lighting/)

permit a biodiversity net gain on-site and so off-site compensation is proposed. However, the location of this off-site land, or the habitats to be created/enhanced have not been provided for review. We would normally expect to see this information in support of any planning application to ensure that biodiversity net gain is deliverable as part of the project.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system.

Lighting

The submitted information does not clearly show whether there is any additional illumination of boundary vegetation. The submitted Ecological Impact Assessment (EclA) is based on a draft lighting report and therefore the conclusions made with regards to ecological impacts may be incorrect.

The submitted lighting assessment indicates that lighting has been designed in accordance with BS 5489-1, BS EN 12464-2, CIBSE Lighting Guide 01 (LG01) requirements, and consideration of the Institution of Lighting Professionals (ILP) 'Guidance Note 1 for The Reduction of Obtrusive Light'. No guidance specifically aimed at reducing the impacts of lighting on wildlife has been cited even though the EclA indicates there is a requirement for a wildlife-friendly lighting scheme. For example, the ILP Guidance Note 8: Bats and Artificial Lighting would be relevant.

Some of the maximum lux levels indicated around the boundaries are above the zero lighting at the boundaries indicated within the EclA report. If a no additional lighting at the boundaries approach is sought to protect biodiversity, then KCC EAS would understand this to mean where illuminance is below 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane. This would be in accordance with the current ILP Guidance Note 8: Bats and Artificial Lighting. There is limited evidence that an ecologist has been involved in the lighting design.

The EclA indicates that lighting effects need to be considered with regards to dormice and bats. The NPPF 2021 paragraph 174 and local planning authority's biodiversity duty under section 40 of the NERC Act 2006 supports the mitigation of impacts upon biodiversity (including species) as part of development. Bats and dormice are also legally protected through the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) from disturbance which could impair their ability to survive, breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, impair their ability to hibernate or migrate; and/or significantly affect the local distribution or abundance of the species to which they belong.

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

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

SLR (February 2023) Land North of Ashford Road (A20): Biodiversity Gain Plan. (Including review of biodiversity metric excel spreadsheet supplied separately)

SLR (January 2023) Ecological Impact Assessment: Land North of Ashford Road (A20).

Ramboll (February 2023) Ashford Road, Maidstone: External Lighting Assessment.