



ECOLOGICAL ADVICE SERVICE

TO: *Robert Allen*

FROM: *Helen Forster*

DATE: *18 April 2018*

SUBJECT: *Princes Parade Promenade, Hythe Y17/1042/SH*

Thank you for requesting additional advice on this application from KCC's Ecological Advice Service. This service provides advice to planning officers to inform Folkestone and Hythe District Council planning decisions with regard to the potential ecological impacts. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

We have reviewed the additional information submitted and we advise that our previous comments have not changes significantly.

Ecological Surveys

The following surveys have been carried out within the proposed development site:

- Amphibian
- Reptile
- Breeding birds
- Botany/NVC
- Mammal
- Invertebrates

The submitted surveys have detailed the following:

- Nationally notable invertebrates present within the site.
- Breeding population of common toads.
- Presence of slow worms, common lizards and grass snakes
- 36 species of bird recorded within the site /surrounding area during the surveys.
- Use of the site by breeding birds – potentially 26 species breeding within the site or adjacent habitat
- Evidence of foraging badgers within the immediate area

- Suitable habitat for hedgehog (although none were recorded during the survey)
- Least 8 species of foraging bat within the site.

When we originally reviewed the submitted surveys we did have concerns that the surveys were carried out predominately within the boundaries of the site however from speaking to the planning we understand that large areas of the site is impenetrable scrub / vegetation.

We accept that the surveys provide a good understanding of the species present within the site and we currently do not require the submitted specific species surveys to be updated at this stage of the planning application.

However we do require the following information to be submitted to provide a greater understanding of the conclusions of the surveys:

NVC surveys

The NVC surveys have resulted in difference conclusions to the ARCH Habitat surveys (which were carried out in 2011) and the additional information provided by the ecologists have not satisfied us why they are satisfied that it is unlikely that sand dune habitat is present on site.

Fixed dunes with herbaceous vegetation is described as: *The herbaceous vegetation of fixed dunes in the UK exhibits considerable variation. The most widespread type is Atlantic dune grassland, consisting of a short sward characterised by red fescue Festuca rubra and lady's bedstraw Galium verum and typically rich in species of calcareous substrates.*

From reviewing the historic landscape plans we do acknowledge that the maps indicate that the majority of the area was used as landfill – however if sand was used during the capping process it is possible that the habitat established on site.

We advise that additional information is provided addressing why they are satisfied why it is unlikely that the sand dune habitat is present on site.

Ecological Mitigation

As there is no understanding about what habitat will be created, when it will be created (if planning permission is granted we advise that below comments are still valid and the additional information is not sufficient to address our concerns that the mitigation is appropriate to maintain the ecological interest of the site and adjacent Local Wildlife Site if planning permission is granted.

An outline mitigation strategy has been submitted with the planning application and we advise that it is not sufficient to demonstrate that the ecological interest of the site and adjacent LWS will be maintained if planning permission is granted.

Paragraph 1.15 of the Ecology Mitigation and Enhancement Plan details that the entire site will be cleared as part of the phase 1 works due to the works required on the ex landfill site. While we do accept that the proposed development will create some natural habitat within the site but there will be a significant reduction and there is no guarantee when the works on the open space areas will commence after the remediation works have been completed.

We highlight that (if planning permission is granted) the creation of the open space is reliant on the reserve matters being submitted, approved and implemented and there is a risk that this will not occur.

We advise that the submitted mitigation strategy is insufficient for FHDC to be satisfied that the ecological interest of the site/area will be maintained if planning permission is granted.

We advise that as the vegetation clearance will be carried out within phase 1 there is a need for a detailed mitigation strategy to be submitted prior to determination and we recommend that the additional following is included:

- Enhancements of habitats outside the footprint of the proposed development
- Confirmation that habitat creation works will be carried out within the site upon completion of the remediation works (if granted).
- Plan clearly showing the minimal area of habitat creation and the habitats to be created.

Reptiles/Amphibians

The submitted information has detailed that the receptor site to the north of the canal. From reviewing the aerial photos it appears that this site already has suitable reptile habitat and it is likely that reptiles and amphibians are already present within this site (it was not included within the original survey). In addition the site has a number of footpaths running through it and as such we do have concerns that there would not be sufficient capacity to support the additional reptiles and amphibians.

Additional information has been provided confirming that the proposed receptor site contains suitable reptile habitat and it is proposed that that enhancement works will be implemented to increase the carrying capacity of the proposed receptor site. As the proposed development will result in a loss of 1.4ha of reptile habitat and the surveys recorded good populations of slow worms and common lizards and low populations of grass snakes we raise further concerns that the site will not be able to enhanced sufficiently to support the reptile population.

We advise that there is a need for a reptile survey to be carried out prior to determination of the planning application to enable us to fully assess whether the proposed mitigation is appropriate.

Lighting

The lighting assessment has clearly demonstrated that there will be an increase in lighting within the site. Currently the only lighting associated with this site will be associated with the houses across the canal (we understand the adjacent road doesn't have lighting). Therefore there will be a significant increase in lighting within the site and we are not satisfied that the submitted information has fully assessed the ecological impact due to the increase in lighting.

The submitted information has recommended the inclusion of a condition that there will be maximum illuminance level of less than 1lux upon the canal path and embankment – however we query if this is something that can actually be achieved via a condition particularly when you consider the proposed road requires lighting.

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

MCIEEM

Biodiversity Officer

This response was submitted following consideration of the following documents:

Technical Annex 3 – Ecology; August 2017; Shepway District Council

Ecology Response (x2) to KWT, CPRE, KCC Ecology and EA; Lloydore; Dated 17th January 2018

Ecological Impacts of lighting; Lloydore; dated 5th February 2018

Lighting Impact Assessment; Elementa; April 2017