

**From:** [Sean Scott](#)  
**To:** [Planning Comments](#)  
**Subject:** FW: MBC/23/505139/OUT  
**Date:** 23 May 2024 11:39:17

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Please save email below as KCC Ecology Comments – they were received 20/05/24

Kind regards,

Sean

**Sean Scott** MRTPI  
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Development Management  
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**From:** Helen.Forster@kent.gov.uk <Helen.Forster@kent.gov.uk>  
**Sent:** Monday, May 20, 2024 5:26 PM  
**To:** Sean Scott <SeanScott@Maidstone.gov.uk>  
**Subject:** MBC/23/505139/OUT

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Hi Sean,

The submitted information has detailed the following:

- Badger setts in the north and south of the site. Evidence of foraging in the site boundaries. The main sett is located in the south of the open space and I would suggest that the proposed landscaping for that area is not appropriate. I would suggest that the south of the open space area should be maintained as dense scrub to minimise disturbance to the badger sett.
- At least 6 species of foraging/commuting bats
- Breeding population of grass snakes.
- 24 species of birds were recorded during the breeding bird survey (but can't find the survey on the portal)
- A BNG for habitats, River condition and linear features have been predicted.
- The site is directly adjacent to the River Beult SSSI.
- The proposal will join the DLL scheme for GCN

I've reviewed the documents available on the portal and generally I'm satisfied with the conclusions of the ecological report. However it's likely that the BNG will be less than predicted due for habitat present within the open space to provide protected species mitigation. Habitat enhancements that is needed for species mitigation can only be considered up to no net loss and not part of the net gain. <https://www.gov.uk/guidance/what-you-can-count-towards-a->

[developments-biodiversity-net-gain-bng](#)

As detailed above I don't agree with the proposed landscaping scheme for the area to the south of the open space which is adjacent to the SSSI. I think this needs to have minimal access and habitats present should be retained and enhanced they must not be lost – such as the scrub where the badger setts are located. This would be my main concern.

The Landscape Management Plan states the following regarding this matter:

*Long-term, public access around the main sett will be restricted. Public access in this area will be carefully designed to divert people away from directly accessing the setts. A circular walk will be maintained in the riverside area, with the provision of low impact fencing to encourage people to stay within the designated route. Scrub planting in this area will also act as a natural buffer making it a less desirable place to walk.*

They are only proposing knee high fencing which would be easy for residents to jump over and effectively the badger setts would be surrounded by a circular footpath. It would be preferable for the southern section to have no access.

Paragraph 186 of the NPPF states: *When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*  
*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest*

I'm concerned that allowing public access in to the site adjacent to the SSSI could have a negative impact on the SSSI, adjacent habitats and species recorded within this area. I think there is a need for further consideration of the impact the increase in recreation (where currently there is none) will have on the designated site.

I'm about for the next 45minutes if you would like to discuss.

Kind Regards

Helen

**Helen Forster MCIEEM** | Senior Biodiversity Officer | **Kent County Council**  
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