

Knoll House Hotel, Studland, Dorset

Topic Ecology Statement of Common Ground

PINS Reference: APP/D1265/W/24/3348224

LPA Reference: P/FUL/2022/06840

Site Address:

Knoll House Hotel, Ferry Road, Studland, Dorset BH19 3AH.

Description of Development:

“Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartments and villa accommodation and associated leisure and dining facilities.”

Statement of Matters Agreed between Dorset Council (the Local Planning Authority) and Mr Ben Read, Black Box Planning, on behalf of Kingfisher Resorts Ltd (the Appellant) in relation to the ecological assessment of the appeal proposals.

Agreed on behalf of the Appellant

Name: Dr Rebecca Brookbank
Position: Technical Director, EPR
Date: 6 December 2024

Agreed on behalf of Dorset Council

Name: Sam Williams
Position: Lead Senior Ecologist
Date: 6 December 2024

Schedule of Revisions

V1	EPR first draft, 6 November 2024
V2	EPR final draft, 14 November 2024
V3	DC amendments, 15 November 2024
V4	EPR amendments, 18 November 2024
V5	DC amendments, 27 November 2024
V6	EPR amendments, 6 December 2024

1. INTRODUCTION

- 1.1 This Topic-specific Ecology Statement of Common Ground (SoCG) has been prepared jointly by EPR Ltd on behalf of Kingfisher Resorts Ltd (the Appellant) and Dorset Council (DC, the LPA) to assist the Inspector in the determination of this appeal with regards to matters concerning ecology, nature conservation and biodiversity. In the context of Reason for Refusal 4 (Lack of Biodiversity Plan) and the ecology considerations relating to Reason for Refusal 3 (Insufficient information regarding Surface Water Management), it will identify those matters that are agreed and those that remain in dispute pursuant to Section 13 of the PINS Procedural Guidance (28 May 2024).
- 1.2 This Ecology SoCG should be read alongside the Planning SoCG produced by Black Box Planning and DC. Planning-related matters covered under the following subject headings are not duplicated here:
- Planning History;
 - Description of the Site;
 - Development Plan; and
 - Proposal.

2. MATTERS AGREED

RfR 4 – Biodiversity Plan

- 2.1 DC, in email correspondence dated 28 October 2024, confirmed that the outstanding matter with regards to RfR 4 is further detail regarding the proposed lighting strategy, specifically the 'Dark Corridors' identified on the 'Biodiversity Plan' map appended to the Biodiversity Plan (**CD2.28**).
- 2.2 The proposal for 'Dark Corridors' arose from the ecological impact assessment presented in Chapter 7 of the Environmental Statement (ES) (**CD1.59**). Under the section considering potential impacts on bats during the operational phase of the Proposed Development, Paragraph 7.181 states:
- “During the operational phase, although there is likely to be an increase in lighting within the Application Site, ‘dark’ corridors will be maintained using a sympathetic lighting regime, e.g. involving the use of directional, low-powered, warm white spectrum LED lighting to minimise light spillage. ‘Dark’ corridors will be maintained along existing and new hedgerows to maintain suitable navigational and foraging opportunities for bats.”*
- 2.3 The Shadow HRA (**CD1.63**) also states at paragraph 5.16:

“A sympathetic lighting regime is proposed to reduce potential impacts from light spill to adjacent tree/woodland habitats to the Application Site as part of the proposed development. Such measures would also ensure that no adverse lighting impacts arise to the nearby European sites as a result of the proposals.”

- 2.4 The qualifying feature potentially sensitive to nocturnal lighting is Nightjar, an Annex 1 bird species for which the Dorset Heathlands SPA was designated.
- 2.5 In addition, the HRA for the planning application, undertaken by Dorset Council as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), found that the areas surrounding the site may provide suitable nighttime foraging habitat for the population Nightjar associated with the adjacent Dorset Heathlands SPA. The HRA requested a Lighting Strategy, which accords with the Bat Conservation Trust Lighting Standards, to be submitted and approved by Dorset Council as local planning authority, to avoid impacts upon foraging nightjar and prevent an adverse effect upon the integrity of the Dorset Heathlands SPA from damage to supporting habitat.
- 2.6 On the basis of the above, the drivers for a sensitive (or 'sympathetic') lighting regime are the need to mitigate significant lighting effects on bats and Nightjar utilising the boundary habitats within the Appeal Site, as well as adjoining habitat, for foraging and/or commuting.
- 2.7 Key guidance regarding lighting effects on bats and lighting requirements to mitigate impacts on bats is set out in the note produced by the Institute of Lighting Professionals and the Bat Conservation Trust 'GN08/23 Bats and Artificial Lighting At Night' (2023). It is considered that a proposal for lighting which avoids impacts on bats, and is in line with the above guidance note, would also avoid the potential for lighting effects to arise in relation to Nightjar.
- 2.8 Of the bat species recorded during the baseline surveys reported in Chapter 7 of the ES (**CD1.59**), the guidance identifies that Long-eared bats, Myotis species and Greater Horseshoe would avoid artificial lighting, and that Pipistrelle spp., Noctule, Serotine and Leisler's would have their patterns of activity disrupted by being drawn to artificial lighting.
- 2.9 An acceptable lighting regime must adhere to the standards set out in GN08/23 or any more relevant superseding guidance. Key components of this strategy must include, but not be limited to, the following considerations for changes in external lighting:
- Minimising lighting provision, specifically lux levels, to the extent required for safety;
 - Directing lighting downwards and away from boundary habitats, using cowls/baffles/shields as necessary to achieve full horizontal cut-off;
 - Minimising the height of light columns and features;
 - Using landscaping and other features, such as walls or fences, to attenuate light;
 - Selecting luminaries with warmer (less disruptive) colour temperatures in preference to those toward the blue-white end of the colour spectrum;
 - Selecting LEDs in view of their relatively sharp cut-off, lower intensity, colour rendition, and dimming capability; and
 - Use of timer or motion sensor controls where possible.
- 2.10 In accordance with the ILP/BCT definition for 'complete darkness', an acceptable lighting regime must be designed to achieve no more than 0.2 lux above baseline levels on the horizontal plane within the proposed 'Dark Corridors', with maximum levels post-development not exceeding 0.5 lux (representing 'very low levels of light').

- 2.11 A Light Spill Mitigation Report (**CD9.6**) was submitted to DC on 14 November 2024. The report presents, in Figure 7, lux plots showing the extent of light spill generated by the proposed development, from both internal and external lighting.
- 2.12 Following feedback from DC's Lead Senior Ecologist during the preparation of this SoCG, the assessment within the Light Spill Mitigation Report (CD9.024) (appended to this SoCG) was revised to show light spill from the crescent-shaped three-storey villa building located in the west of the Appeal Site, and to apply measures to ensure that lux levels would not exceed 0.5 on the horizontal plane along the northern and western boundaries identified in the Biodiversity Plan (revised version also attached) as 'Dark Corridors'. These measures include modification of the internal configuration of lighting to reduce internal lighting options and/or to move lighting away from the windows and application of a light reducing film any glazing facing onto the ecologically sensitive north and west site boundaries to reduce visible light transmission (VLT) to 54% VLT. Details of the proposed film are provided within a data sheet (CD9.025).
- 2.13 DC now consider, as outlined in their email of 4 December 2024, that the revised Light Spill Mitigation Report demonstrates that "*acceptable light levels on boundary vegetation can be achieved, such that the issue of light spill can be resolved, subject to a suitable condition*". On this basis, the Appeal Proposal would not result in an adverse effect on Nightjar or the assemblage of bats using the Appeal Site.

RfR 3 – Surface Water Management

- 2.14 A revised Drainage Strategy (**CD2.25**) has been submitted to Dorset Council. On 16 October 2024 DC's Lead Senior Ecologist raised concerns with the proposal to create a headwall within an existing surface water ditch located adjacent to the south of the site, because of the use of the ditch and adjacent habitats by protected species, and the likely impacts on these ecological receptors, is unknown. The drainage strategy put forward through the planning application did not propose to create a headwall in this ditch, so it was not subject to ecological survey.
- 2.15 Dr Brookbank MCIEEM (Technical Director, EPR) carried out a site inspection of the location for the proposed headwall on Monday 11 November 2024. A photograph of the northern limit of the drainage ditch where the headwall is proposed to be installed looking north and south is provided below (**Photos 1 and 2**), in addition to a photograph taken further south looking north towards Knoll House Hotel (**Photo 3**).
- 2.16 The drainage ditch is entirely unsuitable for both Water Vole and Otter. The ditch has become terrestrialised over time due to the mature oak trees growing on the western bank, which not only draw any water flowing into the ditch but also generate significant leaf fall. The ditch was dry with no standing or flowing water, with shallow banks that are unsuitable for burrowing (a visual search for burrows was also carried out, insofar as possible, with none noted). The banks and ditch bottom were choked with invading bramble, bracken and sedge. During the growing season, the shaded conditions would likely impede the development of suitable marginal and emergent vegetation foraged upon by Water Vole, even if the hydrological conditions within the ditch were to change. Ferry Road adjoins the ditch on its eastern aspect resulting in significant disturbance and risk of mortality through collision.

2.17 Based on the above analysis of habitat suitability, there is no risk of harm or disturbance to Water Vole or Otter arising as a result of the proposed headwall installation, nor to Water Vole/Otter habitat. The tightly mown amenity grass verge adjacent to the northern limit of the ditch also presents no protected species constraints to the installation of the headwall (see **Photo 2** below).

2.18 This assessment resolves the concerns raised previously raised by DC's Lead Senior Ecologist.



Photo 1: Northern limit of drainage ditch, looking south



Photo 2: Northern limit of drainage ditch, looking north



Photo 3: Further south along ditch, looking north

Appended Documents:

Lighting Assessment ('Light Spill Mitigation Report', Method Consulting, December 2024)

Revised Biodiversity Plan (December 2024)