



ECOLOGICAL ADVICE SERVICE

TO: *Ethan Bonthron*

FROM: *Helen Forster*

DATE: *17 September 2025*

SUBJECT: *Land South Of White Post Lane Cobham 20250764*

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 if sufficient/appropriate ecological information has been provided.

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.

This application is part retrospective and therefore we have considered if we would have requested ecological information if the application had been submitted prior to works commencing.

The grassland within the site appeared to have been regularly managed and therefore it is unlikely we would have requested an ecological survey to assess the ecological interest of the site. However we understand from reviewing consultation responses that a number of mature trees have been felled and the trees may have supported roosting bats or breeding birds.

The removal of these trees may have resulted in a breach of wildlife legislation and should not have occurred without advice from an ecologist.

Biodiversity Net Gain

If this application was not retrospective, it would have fallen under the requirements of mandatory 10% biodiversity net gain. However, The Town and Country Planning (Development Management Procedure) (England) Order 2015 states "*an application for planning permission must ... except where the application is made pursuant to ... section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act ... be accompanied, whether electronically or otherwise, by ... the following information relating*

to the biodiversity gain condition ... [then it lists all the information that is required as part of mandatory Biodiversity Net Gain]."

The Planning Advisory Service (PAS) indicates that BNG for retrospective permissions will be brought in as a second phase of the implementation of BNG. Retrospective permissions require a slightly different framework because a pre-commencement condition cannot be applied as the development has already been commenced. This is why retrospective permissions are effectively exempt for the time being¹.

As such, mandatory 10% biodiversity net gain does not apply to this application. However, a biodiversity net gain of unspecified percentage could still apply to this application under planning policy.

It is our view that a landscaping plan must be submitted as part of this application indicating how the site will be enhanced to benefit biodiversity – over and above what is detailed in the proposed block plan. We recommend that the landscaping plan includes the planting of native trees.

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

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Existing and proposed block plans; Perfect Pitch Planning; July 2025

¹ [BNG Applications - Topics, Discussion & FAQs | Local Government Association](#)