



ECOLOGICAL ADVICE SERVICE

TO: Alison Webster
FROM: Helen Forster
DATE: 25 November 2024
SUBJECT: Cherry Dene, Meopham 20240580

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.

We have reviewed the submitted information and we advise that we have the following comments to make:

Protected/Notable Species

We have reviewed the protected/notable species survey information submitted by the applicant and we are satisfied that sufficient information has been provided. We have taken the view that no further species survey information is required as the site is largely a well managed lawn and the mature trees on site will be retained.

Biodiversity Net Gain

Under the Environment Act 2021, all planning applications for major development (unless exempt^{1,2}) submitted on or after 12th February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications, unless exempt, submitted on or after the 2nd April 2024.

¹ [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments)

² [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2024/125/contents/made)

Having reviewed submitted information, we consider this application to fall under mandatory biodiversity net gain so that mandatory biodiversity net gain of 10% will apply.

Any application which is required to achieve a 10% BNG must submit the following information as a minimum³:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- [the completed metric calculation tool](#) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ([‘degradation’](#)), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;
- a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

We advise that sufficient information has been provided with regard to mandated BNG.

We highlight that the submitted metric is incorrect as it details that there are only 2 large but from reviewing the submitted arboricultural report trees T10, and T31 should be considered large and T12 very large.

We have noted this error and advise that we are satisfied that the metric does not need to be updated again but the error must be addressed within the biodiversity net gain plan to be submitted if planning permission is granted.

³ <https://www.gov.uk/guidance/biodiversity-net-gain#para11>

The metric is currently stating that a **loss** of over 30% is anticipated but we highlight that due to the above mentioned error in the metric and because proposed habitat baseline has been filled in incorrect we advise that the habitat loss is expected to be larger. We highlight that the developed land footprint will also have to be included within the proposed habitats tab not just any areas of vegetated garden.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here: https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt. The applicant should submit a biodiversity gain plan form⁴ along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

For the purchasing of BNG units we direct the applicant towards the Kent Biodiversity Net Gain Site Register [Kent Biodiversity Net Gain Site Register | Making Space For Nature Kent](#).

Mature Tree

From comparing the arboricultural report and the proposed landscaping plan it appears that there is not sufficient root protection area between the development footprint and T12 (Californian Redwood). We advise that GBC must be satisfied that the any trees to be retained on site will not be impacted and subsequently lost as a result of the proposal.

Ecological Enhancements

Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system. In addition to BNG we advise that ecological enhancement features must also be incorporated in to the site. If planning permission is granted we recommend that an ecological enhancement plan is included. Enhancements include bat and bird boxes within the site and buildings, insect hotels or log piles within the site and the inclusion of planting to benefit pollinators. We suggest the following:

Within 3 months of works commencing within the site an ecological enhancement plan must be submitted to the LPA for written approval. The plan must demonstrate how the site will enhance biodiversity through planting which will benefit pollinators, and/or native species planting and ecological enhancement features within the buildings and site. The plan must be implemented as approved.

Lighting

Lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill.

We recommend that if planning permission is granted the **lighting condition** has the following requirements:

⁴ [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-gain-plan)

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's '*Guidance Note 08/23 Bats and Artificial Lighting at Night*'⁵
- Downward facing and on motion sensors

Site plan showing the location and types of lighting and details of light spill.

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:
Ecological Impact Assessment; Kent Sussex Ecology; November 2023
Small Sites Metric dated 23rd October 2024
Amended Arboricultural Impact Assessment; Cantia; July 2024
Soft Landscaping Proposals (Planting Plan); Cantia; September 2023

⁵ ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)