



ECOLOGICAL ADVICE SERVICE

TO: Amanda Cue
FROM: Helen Forster
DATE: 13 January 2025
SUBJECT: Land South of Pear Tree LAne 20240600

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 advise that additional information is required prior to determination of the planning application regarding Biodiversity Net Gain.

We are satisfied that due to the long term management of the site there is no requirement for details assessing the impact on protected/notable species to be provided.

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.

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.

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

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

No BNG assessment has been provided and 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).

Photos of the site have demonstrated that the site has recently been cleared of the grassland at the rear of the site

The Town and Country Planning Act 1990, Schedule 7A (paragraphs 6 and 6B) seeks to discourage developers from engaging in site clearance prior to making a planning application. This legislation essentially states that if habitat degradation/loss has occurred on an application site on or after 30 January 2020, *“the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.”*

We advise that the BNG baseline must be based on the site prior to any vegetation clearance within the site.

The BNG assessment must be submitted prior to determination of the planning application.

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

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

Helen Forster MCIEEM
Biodiversity Officer