



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher
FROM: Helen Forster
DATE: 14 January 2025
SUBJECT: Land To The West Of Nursery Mews 20241000

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 sufficient information has been provided to determine the planning application.

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.

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

¹ [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain#para11)

² [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain#para11)

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

- 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).

The BNG assessment has detailed that over 10% BNG can be achieved for habitats and due to the habitats on site we don't disagree that this is possible. It has been achieved through the creation of a flowering lawn with shrubs and tree planting. We highlight that only trees outside the residential curtilage (including residential boundary) can be counted towards the BNG calculation.

A management plan has been submitted and it has detailed that the grassland within the site will be cut short regularly and we highlight that this does not correspond with the habitat requirements within the BNG. Therefore we advise that if planning permission is granted there will be a need for the management plan to be reviewed and updated as a condition of planning permission. We recommend that the **condition** wording requires it to be submitted at the same time as the biodiversity gain plan.

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_Template.docx

[n 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.

Protected/Notable Species.

An ecology letter has been submitted and detailed that, other than breeding birds, there is no potential for protected species to be impacted by the works.

Unfortunately the letter was not very detailed about how it achieved this conclusion and as such additional information has been submitted. The submitted information is still not very clear but we do accept that sufficient survey information has been provided and we do accept that there is no further requirement for further surveys.

However in the event that protected species are found on site during works we advise that all works must stop and an ecologist contacted for further advice. We advise that this must be a requirement of the construction management plan **condition**.

Lighting

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

A Lighting plan has been submitted and it has demonstrated that the light spill will drop to less than 1lux beyond the site boundary and we are satisfied that the lighting has been designed to minimise light spill.

Ecological Enhancements

Under section 40 of the NERC Act 2006 and paragraphs 187 and 193 of the NPPF 2024 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 within the residential gardens. 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.

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

Helen Forster MCIEEM
Biodiversity Officer

⁴ [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](#)

This response was submitted following consideration of the following documents:

- Letter from ACJ Ecology dated 23rd October 2024
- Biodiversity Assessment; ACJ Ecology; December 2024
- Street Lighting; June 2024
- Letter from ACJ Ecology on reptiles dated 4th December 2024