



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher
FROM: Helen Forster
DATE: 29 November 2024
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 additional information is required prior to determination of the planning application regarding BNG and protected/notable species.

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. However as part of BNG there is a requirement for a habitat baseline to be submitted as part of the application and this has not been provided within the Ecology Letter or the (BNG) Biodiversity Assessment.

We advise that a plan is submitted showing the current habitat on site. In additional, while not required prior to determination under the legislation, we recommend that a proposed habitat site plan is submitted.

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 is not very detailed about how it has achieved this conclusion other than to state: *Habitats for protected species were evaluated for their likelihood of providing shelter, roosting, foraging, basking and nesting.*⁴ *Breeding birds require further consideration.*

The pictures within the small site metric do suggest that the habitat may have some potential to support reptiles – particularly as the suitable habitat is directly adjoining the nature area in the adjacent school. We advise that additional information is provided clarifying why the ecologist has concluded it is unlikely that protected species will be present within the site.

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.

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:

- Letter from ACJ Ecology dated 23rd October 2024
- Biodiversity Assessment; ACJ Ecology; October 2024
- Street Lighting; June 2024