



## ECOLOGICAL ADVICE SERVICE

**TO:** Thomas Gabriel  
**FROM:** Elizabeth Fagg  
**DATE:** 23 October 2025  
**SUBJECT:** 20250971 Bluebells, Willow Walk

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*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.*

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### **SUMMARY: SUFFICIENT INFORMATION**

We have reviewed the information submitted by the applicant and advise that sufficient **ecological and biodiversity net gain** information has been provided for determination. Recommended **condition/informative** wording is provided below.

The site has an ancient woodland to the rear and the required 15m ancient woodland (AW) buffer is within the residential garden and goes up to the building boundary. This will require precautionary measures for the protection of ancient woodland and associated buffer. We highlight that changes to drainage may have occurred within the AW buffer zone for this application, and this is not our area of expertise.

The applicant has stated they are exempt from BNG as these two proposed dwellings are self and custom build. The LPA need to be satisfied that this application meets that exemption.

## Ancient Woodland

Ancient woodland covers 2.4% of England's land mass and is a rare and irreplaceable habitat<sup>1</sup>.

The proposed development is adjacent to an area of designated ancient woodland. As such, we highlight paragraph 193 of the NPPF which states that *"development resulting in the loss or deterioration<sup>2</sup> of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"*.

This site has an existing structure on the site which will be converted into two dwellings. The 15m ancient woodland buffer zone is located within the rear garden of the existing property and has been illustrated on the submitted plans. This buffer zone is shown to be adjacent to existing structure and hardstanding.

The Natural England/Forestry Commission standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland. A larger buffer zone may be needed to account for any direct or indirect adverse effects associated with proposals, as well as to preserve the root protection area of trees within the woodland. Larger buffer zones are more likely to be needed if the surrounding area is less densely wooded, close to residential areas and steeply sloped.

The buffer zone needs to include buffering the development from gardens (so the woodland should be at least 15m away from gardens). The guidance also requires consideration of the potential for additional impacts from proposals even when there is existing development within this minimum buffer.

Further, the existing condition of the affected ancient woodland is not relevant. Standing advice states:

*"Where a proposal involves the loss or deterioration of ancient woodland or ancient or veteran trees you should not take account of the existing condition of the ancient woodland or ancient or veteran tree when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development. A woodland or tree in poor condition can be improved with good management."*

Standing advice states that the following mitigation measures should be considered in any application in or adjacent to ancient woodland:

- putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution;
- measures to reduce noise or light;
- designing open space to protect ancient or veteran trees; and
- creating buffer zones (typically 15 metres from the boundary of the woodland).

We highlight that it is not best practice to have an ancient woodland buffer zone within a garden, but as this is an existing garden we accept that there could be no change in this

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<sup>1</sup> [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/616222/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions.pdf)

case, if measures are in place for the protection of the ancient woodland and associated buffer zone, including the soils. We note that existing drainage soakaway is located within the buffer zone and this is to be retained. We are not drainage experts but note some changes to this diagram in the updated proposal showing the label 'existing/new soakaways' and consider that it needs to be considered by an expert if there will be any detrimental changes to the drainage for the ancient woodland and buffer zone.

We also note that the proposed 'native species planting bed mix' includes non-native species in the planting bed mix. We consider that this is likely for the new planting bed for plot B, facing Willow Walk, and is appropriate in that location. We highlight that any rear garden proposed planting within the ancient woodland buffer zone needs to be native species. This can be shown on planting plans provided within an enhancement plan, and subject to condition.

No construction or storage of construction materials should be conducted in the ancient woodland buffer zone, and we require a precautionary mitigation strategy for the ancient woodland and buffer zone to be included within the Construction Environmental Management Plan (CEMP), to protect it from impacts from the proposed development.

### **Protected Species**

A preliminary ecological appraisal and preliminary roost assessment for bats has been completed. The follow up survey for bats has found this site is negligible for the presence of bats within the building, but as the site backs onto ancient woodland a sensitive lighting strategy will be required as bats will likely be foraging and commuting within the area.

Vegetation within the site has been identified as suitable breeding bird habitat and some may be impacted. We recommend that any works to vegetation are conducted outside the breeding bird season (1<sup>st</sup> March to 31<sup>st</sup> Aug) to avoid risk of impacts or if within the breeding bird season, a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works. This should be included in the construction environmental management plan (CEMP) outlined further below.

Other protected species, such as badgers, dormice, reptiles and amphibians have been considered for this site and their presence has been considered unlikely. Hedgehogs may be sheltering or commuting within the area and precautionary mitigation is suggested. This can be included in the CEMP. We are satisfied that sufficient ecological surveys have been completed and no further surveys are required.

### **Lighting**

Nocturnal animals (including bats) are likely to be using the site and surrounding area for foraging and commuting and any lighting associated with the proposal may have a negative impact, especially any light spill to hedgerow boundaries and ancient woodland and buffer zone adjacent to the site. We advise that a **condition** will be required for the external lighting and will follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'

<https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

Suggested condition wording is below

*Prior to first occupation of the dwellings, a lighting design plan(s) for biodiversity shall be submitted to and approved in writing by the local planning authority. The plan(s) shall include the following:*

- The identification of areas/features on-site where disturbance could occur to biodiversity features such as ancient woodland plus buffer zone and bat roosting sites and/or foraging/commuting routes;*
- The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;*
- The provision of technical specifications for the external lighting;*
- The provision of lighting contour plans to show expected lux levels on both the horizontal and vertical planes, so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors.*

*All external lighting shall be installed prior to first occupation of the dwellings in accordance with the specifications and locations set out in the plan(s), and these shall be maintained thereafter in accordance with the plan(s).*

### **Construction Environmental Management Plan**

We suggest that the below wording is included as a condition for a Construction Environmental Management Plan (CEMP – biodiversity) if planning permission is granted. This will mitigate for impacts to biodiversity, protect the ancient woodland and associated buffer zone and help ensure compliance with relevant legislation. The plan will include mitigation as outlined in the Preliminary Ecological Appraisal, Calumma Ecological Services, Oct 24. Suggested wording is below.

*Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) will be submitted to and approved in writing by the local planning authority. The CEMP will be based on the recommendations in Preliminary Ecological Appraisal, Calumma Ecological Services, Oct 24 and include the following:*

- a) Purpose and objectives for proposed mitigation works during construction:*
- b) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;*
- c) Detailed method statement to protect the ancient woodland (AW), 15m AW buffer zone and retained trees from pollution and adverse impacts*
- d) Extent and location of proposed mitigation works shown on appropriate scale maps and plans, with reference to: pollution avoidance measures (noise, dust, lighting and run-off), protection of retained trees and hedgerow*
- e) Practical mitigation measures (both physical measures and sensitive working practises) to avoid or reduce impacts during clearance and construction for bats, hedgehogs and breeding birds (may be provided as a set of species or habitat-specific method statements);*
- f) The location and timing of sensitive works to avoid harm to biodiversity features;*
- g) The times during construction when specialist ecologists need to be present on site to oversee works;*
- h) Responsible persons and lines of communication*

*The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details.*

### **Biodiversity Net Gain (BNG)**

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications<sup>3</sup> for development (unless exempt<sup>4,5</sup>), must deliver at least a 10% biodiversity net gain (BNG). Significant on-site gains, and all off-site gains will need to be secured for at least 30 years.

The applicant has stated they are exempt from BNG as these two proposed dwellings are self and custom build. The LPA need to be satisfied that this application meets that exemption.

### **Ecological Enhancements**

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise that a condition is included requiring an ecological enhancement plan to be submitted. We note that some enhancements have been outlined in the PEA and detailed on the proposed site block plan. A condition wording is suggested below.

#### *Condition*

*Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity, will be submitted to, and approved in writing by, the local planning authority. This will include a detailed landscaping plan with planting plans and management measures, using native species only within the ancient woodland buffer zone, with hedgehog highways and integrated wildlife features, including durable bat and bird boxes aimed at species of conservation concern. The approved measures will be implemented and retained thereafter.*

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

**Elizabeth Fagg**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:

- BNG Self Build form, Completed 22/9/25
- Preliminary ecological appraisal, Calluma, Oct 24
- Potential bat roost assessment, Calluma, Nov 24
- Existing site block plan Rev E, Steve Baker Architect
- Proposed site block plan Rev F, Steve Baker Architect

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<sup>3</sup> All planning applications for major development (unless exempt) submitted on or after 12<sup>th</sup> February 2024 in England, and all minor applications (unless exempt), submitted on or after the 2<sup>nd</sup> April 2024.

<sup>4</sup> [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments)

<sup>5</sup> [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2024/125/contents/make)

- Location plan, Steve Baker Architect
- Proposed foundation plan (services), Steve Baker Architect
- Existing foundation plan (services), Steve Baker Architect