



ECOLOGICAL ADVICE SERVICE

TO: Alison Webster
FROM: Nancy Inman
DATE: 24 June 2025
SUBJECT: 40 Cross Lane East, Gravesend 20250446

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.

SUMMARY: FURTHER INFORMATION REQUIRED

No ecological information has been submitted with this application. As a result of reviewing the data available to us and the information submitted with the planning application, we advise that none will be needed. This is due to the small scale/urban setting of the proposals and limited potential for impacts to protected species. The onsite shed scheduled for removal appears to have negligible potential for supporting roosting bats.

A small sites metric has been submitted (May 25), however there appear to be issues with both the baseline and post-development habitat data. We advise that due to the small nature of proposals, the development footprint may affect <25m² of habitat with a baseline value higher than zero. Proposals may therefore fall into the 'de minimis' exemption criteria, however the applicant will need to confirm that the habitat areas we've outlined below are accurate.

BIODIVERSITY NET GAIN

DE MINIMIS – POTENTIAL EXEMPTION

The habitat types and areas presented within the metric do not appear to align with those outlined within the BNG supporting statement (May 25), the following measurements are taken from the BNG statement. The total site area is 181.35m², 145.35m² of this is amenity grassland/vegetated garden and the remaining 36m² is hardstanding. The new dwelling will cover an area of 65m², primarily occurring over existing hardstanding. This results in the loss of 29m² of habitat with a baseline value higher than zero and the remaining grassland will form the residential garden of the new property. From our measurements the baseline area of hardstanding should also include the greenhouse which appears to be c. 6m² in size. This would mean that only 23m² of habitat with a baseline value higher than zero is to be impacted by development, and that the proposals would qualify as exempt under the 'de minimis' exemption criteria as detailed below. Additionally, no hedges appear to be impacted by proposals.

In order to qualify for the 'de minimis' exemption the following must apply:

- The development will not impact any onsite priority habitat; AND
- The development will not impact more than 25 square metres of onsite habitat with a biodiversity value greater than zero; AND
- The development will not impact more than 5 metres of onsite linear habitat.

If the applicant believes that this exemption does not apply, and that more than 25m² of habitat with a biodiversity value greater than zero will be lost, we refer them to the following comments as there are some issues with the metric provided that will need to be rectified prior to determination.

Baseline habitats

The total site area as recorded within the metric is 146.31m², this doesn't align with the BNG statement which states that 181.35m² of habitat is present. Additionally, the baseline habitats have been listed as bracken and developed land sealed surface. We consider that bracken is unlikely to be the baseline habitat, and this should be either vegetated garden or modified grassland as outlined in the submitted BNG statement.

Proposed habitats

Proposed habitat creation is listed as developed land and mixed scrub in good condition. We consider that it's unlikely for the entirety of amenity habitat to be mixed scrub, additionally it is not possible to create mixed scrub in good condition as it must pass 5 of out 6 HCA criteria.

It is not possible to deliver biodiversity gains in private gardens as any habitats created/enhanced cannot be legally secured for 30 years. Generally, all habitat within private gardens should be considered 'vegetated garden' (as required under the Statutory Biodiversity Metric User Guide, page 51) in the habitat creation/enhancement tabs of the biodiversity metric. The User Guide states:

The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either:

- 'urban – vegetated garden'; or

- *‘urban - unvegetated garden’*

You should not:

- *record the creation of any other new habitats within private gardens [this includes the planting of any trees]*
- *record enhancement of any habitat within private gardens*
- *small trees shouldn't be recorded in garden baseline*

However, habitats which are recorded in the baseline and remain within a private garden may be recorded as retained. Guidance on retention should still be followed.

The proposed enhancement and habitat creation measures therefore cannot be implemented into BNG, and newly created habitat should be listed as developed land – sealed surface and vegetated/unvegetated garden. As gains cannot be secured in private gardens, it is unlikely that a net gain will be achievable onsite, and offsite units will likely need to be sought.

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

Nancy Inman
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Planning Statement (Dream Design Develop Ltd, May 25)
- Biodiversity Net Gain Statement (May 25)
- Biodiversity Net Gain Small Sites Metric (May 25)