



## ECOLOGICAL ADVICE SERVICE

**TO:** Katherine Parkin  
**FROM:** Helen Forster  
**DATE:** 15 April 2025  
**SUBJECT:** Land At New Green Farm, Shorne 20240812

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*The following is provided by Kent County Council's Ecological Advice Service (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 whether sufficient and appropriate ecological information has been provided to assist in its determination.*

*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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We advise that sufficient information has been provided to determine the planning application.

### **Protected/Notable Species**

We are satisfied with the results of the ecological reports which have confirmed that there is potential for badgers, breeding birds and foraging bats within the site. We are satisfied that there is no requirement for further surveys to be carried out and any impacts can be avoided through a precautionary mitigation approach.

If planning permission is granted we recommend that the following condition is included:

*Prior to and during construction the precautionary mitigation for badgers, breeding birds and bats within section 6 of the Preliminary Ecological Appraisal (Greenspace Ecological Solutions; January 2025) must be implemented as detailed.*

### **Biodiversity Net Gain**

Under the Environment Act 2021, all planning applications for major development (unless exempt<sup>1,2</sup>) submitted on or after 12<sup>th</sup> 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 2<sup>nd</sup> 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 minimum<sup>3</sup>:

- 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).

We advise that sufficient information has been provided with regard to mandated BNG.

The metric has detailed that through habitat creation within the adjacent intensively managed orchard a BNG of over 10% can be achieved and we agree with this conclusion.

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

<sup>2</sup> [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](#)

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

The metric has detailed that to achieve a 10% the intensive orchard will be cleared and managed as a arable game bird mix however we note that the submitted site plan does not demonstrate that areas of the orchard will be cleared to implement this. We advise that a BNG can still be achieved through the enhancement of the intensive orchard within the wider blueline boundary to the creation of a traditional orchard. It is our understanding that if an area less than 0.1 hectare of intensive orchard is turned in to a traditional orchard a BNG of over 10% can be achieved. However we advise that exactly how the BNG will be achieved can be provided via the biodiversity gain plan if planning permission is granted.

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\\_Text.odt](https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt). The applicant should submit a biodiversity gain plan form<sup>4</sup> along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

If habitat creation/enhancement within the blueline boundary is to be implemented to achieve a BNG for habitats. We advise that the following conditions are included within the decision notice:

In addition the following condition wording is recommended if planning permission is granted:

**HMMP CONDITION:** *With the submission of the Biodiversity Gain Plan a Habitat Management and Monitoring Plan (HMMP), must be submitted to the LPA for written approval and must include the following:*

- (a) a non-technical summary;*
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,*

*has been submitted to, and approved in writing by, the local planning authority. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.*

*Reason: To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.*

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

**HMMP MONITORING REPORTS:** *Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.*

*Reason: To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.*

We highlight that where habitat creation is carried out within the blueline boundary there is a need for the works to be legally secured either through a legal agreement or a conservation covenant.

### **Ecological Enhancements**

Under section 40 of the NERC Act 2006 and paragraphs 186 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 with the ground level planters. 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 the inclusion of ecological enhancement features within the buildings and site. The plan must be implemented as approved.*

### **Lighting**

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

We recommend that if planning permission is granted the **lighting condition** has the following requirements:

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'<sup>5</sup>
- Downward facing and on motion sensors
- Site plan showing the location and types of lighting and details of light spill.

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

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<sup>5</sup> [‘Bats and Artificial Lighting at Night’ ILP Guidance Note update released - News - Bat Conservation Trust](#)

**Helen Forster MCIEEM**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:  
*Preliminary Ecological Appraisal; Greenspace Ecological Solutions; January 2025*