



ECOLOGICAL ADVICE SERVICE

TO: *Alison Webster*

FROM: *Jonathan Lynch*

DATE: *04 November 2024*

SUBJECT: *20240700 / Cheneys Farm Barns, Thong Lane, Shorne*

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.

This advice note supersedes our previous comments (dated 13th September 2024). New BNG information has been submitted. Suggested condition wording has been amended.

SUMMARY – SUFFICIENT INFORMATION PROVIDED

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided to determine the planning application and recommend that conditions to ensure adherence to mitigation and biodiversity net gain measures are attached to any notice of planning consent.

SITE IMPACTS

The application site contains two barns, hardstanding, modified and neutral grassland, ephemeral vegetation, scrub and bare ground as well as a non-native ornamental hedgerow.

Whilst breeding birds, Hedgehogs and foraging/commuting bats may occupy the site, no significant ecological constraints have been identified by the submitted Preliminary Ecological Appraisal (KB Ecology, April 2024). As such, commencement of works outside of the core nesting period (March through August inclusive) or the presence of an ECoW at commencement is recommended, as well as general avoidance/mitigation measures for Hedgehogs and bats¹ as detailed in the submitted PEA. **Adherence to these simple mitigation measures is suitable to avoid a wildlife offence. The following condition wording is suggested:**

Suggested condition: *From commencement of works (including site clearance), methods for the protection of retained habitats and precautionary mitigation measures for nesting birds, Hedgehogs and foraging/commuting bats will be followed in accordance with the details contained in Section 4 of the Preliminary Ecological Appraisal associated with the planning application (KB Ecology, April 2024). Measures include:*

- Vegetation clearance with the potential to disturb nesting birds should be carried out outside of the core nesting season (March through August inclusive) or under ecological supervision;*
- A sensitive lighting strategy should be adhered to with reference to GN08: 'Bats and Artificial Lighting' published by the ILP and BCT; and*
- Excavated areas should be backfilled, covered overnight, or ramps placed in to allow terrestrial mammals (e.g. hedgehogs) to escape should they become trapped.*

Reason: *To avoid a wildlife offence under Section 1 of the Wildlife and Countryside Act 1981 and to protect Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006.*

We note that there are five Great Crested Newt (GCN) records within 1.5km of the application site (all of which are located within Shorne Wood Country Park). The nearest waterbody to the site is 280m southeast. Given the absence of any waterbodies within 250m and the bisection of the wider landscape by busy roads, GCN are not seen as an ecological constraint for this application. A lack of suitable onsite habitat for reptiles also precludes further consideration for this species group.

The existing barn buildings (including the southern barn proposed for demolition) were assessed as having 'Negligible' suitability to support roosting bats in the PEA. As such, roosting bats are not seen as an ecological constraint for this application.

BIODIVERSITY NET GAIN AND ENHANCEMENTS

¹ Measures to avoid impacts to Hedgehogs, a priority species, are given in section 4.9 of the PEA; measures to avoid impacts to foraging and commuting bats are recommended in section 4.8 (with reference to the BCT/ILP document 'Guidance Note 8 Bats and Artificial Lighting' which is freely available online: [Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals \(theilp.org.uk\)](https://www.theilp.org.uk/Guidance%20Note%208%20Bats%20and%20Artificial%20Lighting))

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications received in England (with a few exemptions) must deliver at least a 10% biodiversity net gain (BNG) from the 12th February 2024 and all minor applications from the 2nd April 2024. Where required, the Defra Statutory Metric will need to be used to demonstrate a minimum 10% biodiversity net gain. Local policy may request a higher level of net gain. Habitats created/enhanced to achieve net gain will need to be secured for at least 30 years.

Biodiversity gain is a statutory requirement of this proposed development. References to the biodiversity value of any habitat or habitat enhancement are to its value as calculated in accordance with the biodiversity metric. A metric and biodiversity gain statement have been submitted.

The 0.2ha site is described in the submitted Small Sites Metric (KB Ecology, October 2024) as having a baseline value of 0.6 habitat units and 0.04 hedgerow units. Post-development, these values have increased to 0.67 habitat units and 0.42 hedgerow units (an 11.99% habitat net gain and 962.77% hedgerow net gain). Therefore, the statutory requirement to deliver 10% biodiversity gains is met, subject to feasibility.

These proposed gains will be delivered through the creation of neutral and modified grassland, the addition of a biodiverse green roof and the planting of 23 small trees and 127m of native hedgerow. Given the significant² nature of the proposed gains, a Habitat Management and Monitoring Plan (HMMP) condition should be attached to any notice of planning permission to ensure that these habitats/features can be secured for a 30-year period. A BNG informative is also suggested.

Suggested condition: *The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved biodiversity gain plan and including:*

- (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,*

² As defined here: [Make on-site biodiversity gains as a developer - GOV.UK](#)

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 on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Suggested informative: *The development hereby permitted is subject to the general condition of planning permission relating to biodiversity gain as per Schedule 7A 13(1) of the Town and Country Planning Act 1990. The condition is that the development may not be begun unless—*

- (a) a biodiversity gain plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

This condition cannot be varied or removed.

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

Jonathan Lynch
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Biodiversity Gain Statement (KB Ecology, October 2024)
- Existing Plans (Synergy, November 2023)
- Preliminary Ecological Appraisal (KB Ecology, April 2024)
- Proposed Block Plan (Synergy, October 2024)
- Small Sites Metric (The Statutory Biodiversity Metric) (KB Ecology, October 2024)