



## ECOLOGICAL ADVICE SERVICE

**TO:** Amanda Cue  
**FROM:** Elizabeth Fagg  
**DATE:** 21 June 2024  
**SUBJECT:** 20240464 / Land known as the Island, Culverstone

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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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The proposed site is within a designated Ancient and semi-natural woodland, which is classed as an 'irreplaceable habitat'. This has ecological value and the potential for protected species presence that must be taken account of in any planning decision.

### **ANCIENT WOODLAND**

Ancient woodland covers less than 3%<sup>1</sup> of England's land mass and is a rare and irreplaceable habitat<sup>2</sup>.

The proposed development is within an area of designated ancient woodland. As such, we highlight paragraph 186 of the National Planning Policy Framework (NPPF) which states that "*development resulting in the loss or deterioration 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*".

Whilst it will be the decision of the local planning authority as to whether the development is '*wholly exceptional*', we are able to comment on any compensation plans which may be

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<sup>1</sup> [Protect Ancient Woodland - Campaigns - Woodland Trust](#)

<sup>2</sup> [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#)

submitted. We point out that proposed compensation measures should not be considered as part of the assessment of the merits of the development proposal.

When making its decision, the local planning authority should take into consideration standing advice on '*Ancient woodland, ancient trees and veteran trees: advice for making planning decisions*' of Natural England and the Forestry Commission<sup>3</sup>.

We highlight that using Google Earth Imagery, dated March 23, that it appears some tree felling may have already occurred.

We are unable to comment on impacts to tree health or root impact. Therefore, if any trees are to be removed or impacted the tree officer will need to be consulted on this application.

If the LPA feel there are '*wholly exceptional reasons*' as stated above that allow this development to be considered further, an Ecological Impact Assessment (EcIA) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines.

The EcIA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any necessary additional surveys undertaken;
- Details of any necessary and achievable ecological species mitigation and/or compensation measures;
- Details of any ancient woodland compensation measures to accord with the NPPF requirements for a compensation strategy;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

A biodiversity net gain metric<sup>4</sup> would be recommended, submitted with any EcIA, to assess the impact on the ancient woodland from the proposal.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005 which states "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

The EcIA will also ensure alignment with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system.

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

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<sup>3</sup> [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions)

<sup>4</sup> <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

This application is for a single self-build dwelling and is stated as exempt from BNG on the application form. We agree that this application would be exempt from BNG and will fall under the National Planning Policy Framework (NPPF) requirements below but completion of a BNG metric has been recommended above to understand the impacts to onsite habitats.

### **Enhancements**

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation.

If an EclA is undertaken it will need to propose enhancement measures that are above a baseline before any clearance work has taken place, to ensure a measurable net gain as per the NPPF is achieved and no net loss occurs.

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:

- Planning statement, Clarion Chartered surveyors
- Block plan, Clarion Chartered Surveyors, 21/5/24
- Site location plan, Planning portal, 21/5/24