



## ECOLOGICAL ADVICE SERVICE

**TO:** *Amanda Cue*

**FROM:** *Helen Forster*

**DATE:** *30 December 2025*

**SUBJECT:** *90 Downs Road, Istead Rise 20250937*

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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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We have reviewed the submitted ecological information and advise that sufficient information has been provided to determine the planning application.

### **Protected/Notable Species.**

We advise that we are satisfied that the submitted ecological information is sufficient to determine the planning application. It is considered that so long as woodland is retained as outlined within the post-development habitats plan, and as long as grassland is managed in its current short sward, that impacts to protected species as a result of proposals can be avoided through the implementation of sensitive working methods without the need for further survey.

Three trees within the northern woodland have been identified as PRF-I as outlined within the Preliminary Ecological Appraisal (EcoAssistance, Aug 25). These appear to be retained, and no further survey is necessary. A GLTA was not undertaken on the individual trees present across the site as shown below. However we understand that these trees were removed prior to survey being carried out.



Fig 1. Street view of site

*No development shall be undertaken (including any ground works, site and/or vegetation clearance) until a construction ecological management plan (CEMP) which contains full details of the ecological mitigation has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist and include the following:*

- *Measures to avoid impacts to the retained habitats including identification of a construction exclusion zone (and the use of protective fences, exclusion barriers and warning signs);*
- *Extent and location of proposed construction and mitigation works, shown on appropriate scale maps and plans;*
- *Specific measures (which may be presented as a series of method statements) to avoid impacts to protected/notable species and a timetable for implementation of the measures;*
- *Persons responsible for implementing the measures, including times during construction when specialist ecologists need to be present on-site;*
- *The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s);*

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

## **Biodiversity Net Gain**

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications<sup>58</sup> for development (unless exempt<sup>59,60</sup>,) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development. Significant on-site gains, and all off-site gains will need to be secured for at least 30 years. Having reviewed submitted information<sup>61</sup>, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.

Any application which is required to achieve a 10% BNG must submit the following information as a minimum<sup>1</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 have reviewed the submitted information and we are satisfied that sufficient information has been submitted to meet the requirements for mandatory net gain.

The BNG metric shows habitats onsite to consist primarily of modified grassland, with small patches of introduced shrub, bramble and lowland mixed deciduous woodland. As acknowledged within the PEA, the entire site is mapped as woodland, however the woodland edge only covers a small section of the western site boundary. 2024 Aerial photos show a number of individual trees appear to be present across the site as shown below in Fig 2.

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<sup>1</sup> <https://www.gov.uk/guidance/biodiversity-net-gain#para11>



Fig 2. Aerial of site

We understand that these trees have been removed and therefore we previously advised that they must be included within the BNG baseline in line with the BNG guidelines.

Additional information has been provided detailing that the trees are less than 300mm DBH and therefore do not need to be included within the metric. GBC have confirmed that this land is considered to be part of the residential curtilage of the adjoining property and therefore we do agree that the trees do not need to be included within the metric.

The submitted information has detailed that a BNG loss of 45% for habitats will occur within the site. The loss of habitat is very small and it will only require 0.06units to achieve a BNG of over 10%.

Off site habitat creation will be required to achieve a BNG either through habitat creation within the applicants landholdings (if there is any) or the purchasing of off site units. Further details of off site habitat creation can be found at the end of the report. We advise that it will be possible to purchase off site units to achieve a BNG as part of this proposal and we direct the applicant towards the Kent Biodiversity Net Gain Site Register for off site habitat providers in Kent [Kent Biodiversity Net Gain Site Register | Making Space For Nature Kent](#).

We advise that as there is less than 0.25units of habitat required to achieve a BNG statutory credits can be purchased without having to demonstrate that insufficient off site options are available.

We advise that details of the off site habitat creation are not required prior to determination however we advise that how the offsite habitat creation will be implemented must be agreed and registered on the biodiversity gain site register **prior to** the submission of the biodiversity gain plan (if granted). [Search the biodiversity gain sites register - GOV.UK](#)

The development, if permitted, will be subject to the deemed 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.

The condition cannot be varied or removed. An application must be made to discharge it as any other condition. We recommend it is referred to in decision notices in the form of an informative. The government's published Biodiversity Gain Plan (BGP) template should be used to discharge it: [Biodiversity gain plan - GOV.UK](#). Please note that the submission of the finalised Statutory Biodiversity Metric/BGP is required by law prior to the commencement of any development.

## **BIODIVERSITY AND 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.

If planning permission is granted we recommend that a condition is included requiring an ecological enhancement plan. We suggest the following:

*Within 3 months of works commencing within the site an ecological plan must be submitted demonstrating that ecological enhancement features (including bat, bird and insect boxes) have been incorporated in to the site and adjacent habitat. The plan must be implemented as proposed.*

### **Lighting**

Common Pipistrelle have been recorded within the site and 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 a **condition** requiring a lighting plan is submitted and it 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>2</sup>
- Site plan showing the location and types of lighting
- Downward facing lighting only.

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

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal (EcoAssistance, Aug 25)
- Biodiversity Net Gain Metric and Report (EcoAssistance, Aug 25)
- Email from the applicant dated 26<sup>th</sup> November.

## ***OFF-SITE GAINS (NEEDS TO BE REGISTERED)***

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<sup>2</sup> ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)

*'Off-site' biodiversity gains are any BNG measures proposed outside of the red line boundary. The statutory Biodiversity Gain Plan (BGP) must contain the biodiversity gain site register reference number for any offsite units if these are used. BNG sites must be registered here: [Register a biodiversity gain site - GOV.UK](#).*

*If off-site habitat creation is required, we direct the applicant towards the Kent Biodiversity Net Gain Site Register<sup>69</sup> available on the Making Space for Nature in Kent and Medway website. Biodiversity Net Gain Guidance for Kent is also available on this website.*

*If any off-site habitat creation/enhancement is proposed outside of the LPA boundary/National Character Area of the impact site these will be subject to spatial risk penalties.*

*Where off-site gains are secured on land owned by the developer (but outside the redline boundary), or on third-party land (but not through a 'habitat bank operator'<sup>70</sup>), the biodiversity net gain needs to be subject to a deed of conservation covenants or Section 106 (as appropriate). Section 106 agreement templates are available on the Planning Advisory Service website. It is generally inappropriate to rely solely on conditions to secure off-site biodiversity net gain. The following needs to be secured as part of the off-site biodiversity net gain:*

- *The submission of a habitat management and monitoring plan (HMMP);*
- *Notice of HMMP implementation and completion of the habitat creation and enhancement works;*
- *Timescales for completion of habitat creation, and the submission of a completion report;*
- *Submission of a monitoring report;*
- *A habitat monitoring fee to be paid to the local planning authority on every habitat management monitoring event.*

*The HMMP shall be submitted when the general BNG condition is discharged and shall contain the following information<sup>71</sup>:*

- (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.*

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

*Where off-site gains are to be secured through a 'habitat bank operator' (which has its own legal agreement and HMMP), no additional conditions or section 106 obligations are required, above a condition requiring biodiversity net gain to be delivered as set out in the planning application.*

*The submission of provisional/draft legal documents outlining the agreement between the applicant and the provider of any off-site gains are advisable prior to determination to*

*confirm that the proposed route to delivering net gain is feasible, but this information is not required until submission of the pre-commencement Biodiversity Gain Plan.*