



## ECOLOGICAL ADVICE SERVICE

**TO:** Kelly Joyce  
**FROM:** Helen Forster  
**DATE:** 18 September 2024  
**SUBJECT:** Cobb Tree Court, Meopham 20240701

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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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No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts.

We have taken this view due to the photos provided by the planning officer. They suggest that the trees have a number of small stems which will reduce the potential for protected/notable species to be present. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time<sup>1</sup>.

### **Breeding Birds**

The proposal will result in the loss of trees and building and they may support breeding birds. Due to suitable habitat being present to support breeding birds we recommend the following information is included if planning permission is granted:

*The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while*

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<sup>1</sup> We consider we have taken a proportionate approach to ensure that the provision of information within the planning application is appropriate to the environmental risk associated with the development and its location in line with Clause 4.1.2 of BS42020 (BSI, 2013).

*that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.*

*Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1<sup>st</sup> March to 31<sup>st</sup> August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.*

## **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>2</sup>
- Downward facing and on motion sensors
- Plan showing the location and type of lighting to be installed.

## **Ecological 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.

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

*Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.*

## **Biodiversity Net Gain**

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2<sup>nd</sup> April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt<sup>3,4</sup>).

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

<sup>3</sup> [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](#)

<sup>4</sup> [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](#)

Having reviewed proposals we consider this application to be exempt from mandatory biodiversity net gain, so that mandatory biodiversity net gain of 10% will not apply. We consider this application exempt because:

- The application is a householder application as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

This response was submitted following consideration of the following documents:

- Site/Location Plan; July 2024
- Heritage Statement; James Carney Architects; August 2024