



ECOLOGICAL ADVICE SERVICE

TO: Alison Webster

FROM: Helen Forster

DATE: 09 July 2024

SUBJECT: Giles Farm, Higham 20240448

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.

We are satisfied that sufficient information has been provided to determine the planning application.

Bat Survey

We have reviewed the bat survey report and we are satisfied that at the time of the 2024 survey no bats were recorded roosting within the building. However a brown long eared bat was recorded roosting in 2020 and therefore the presence of bats cannot be ruled out and the precautionary mitigation measures detailed within the report must be implemented during the construction works and an integrated bat box must be incorporated in the building.

We recommend the following wording:

Prior to and during construction works the precautionary mitigation measures for bats detailed within the Bat Survey Report (Native Ecology; June 2024) must be implemented. If works have not commenced within 2 years of the date of the ecological report a review and if necessary update, of the report must be carried out. If the report is updated a copy of the report must be submitted to the LPA for written approval.

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 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 (1st March to 31st 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

Biodiversity Net Gain

This application was received in May 2024 and under the Environment Act 2021, all planning applications, unless exempt, submitted after the 2nd April will have to deliver at least a 10% biodiversity net gain.

A BNG feasibility assessment has been submitted which has detailed that due to the loss of ruderal habitats within the site the proposal will result in an anticipated 78% BNG loss for habitats. The report has detailed that the creation of garden which includes areas of wildflower grassland within the site this will reduce the impact but it will not be sufficient to achieve a 10% BNG for habitats.

Details of the offsite habitat creation is not required prior to determination and we are satisfied that due to the type of habitats to be loss we are satisfied that a 10% BNG for habitats can be achieved through off site habitat creation.

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. The applicant should submit a biodiversity gain plan form¹ along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

If off site habitat creation is required we direct the applicant towards the Kent Biodiversity Net Gain Site Register <https://www.makingspacefornaturekent.org.uk/bng/kent-biodiversity-net-gain-site-register/>. Once completed details of the Biodiversity Net Gain Guidance in Kent will also be uploaded to the same website.

¹ [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/663251/biodiversity-net-gain-plan-form-1.pdf)

Offsite gains/the purchase of biodiversity credits will need to be subject to a deed of conservation covenants, unilateral undertaking or Section 106 (as appropriate). Offsite gains must be registered² after determination.

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:

- Bat Survey Report; Native Ecology; June 2024
- Biodiversity Net Gain Assessment; Feasibility Stage; Native Ecology; June 2024

² [Register a biodiversity gain site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/register-a-biodiversity-gain-site)