



ECOLOGICAL ADVICE SERVICE

TO: *Laura Payne*

FROM: *Jonathan Lynch ACIEEM*

DATE: *25 September 2025*

SUBJECT: *PA/2025/0769 / Hexden Marsh, Hastings Road, Rolvenden, Cranbrook, TN18 5PX*

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.

SUMMARY – NO FURTHER INFORMATION REQUESTED

We have reviewed the ecological information submitted in support of this application and advise that **no further** information is requested from the applicant prior to determination of the planning application.

Consultation with Natural England is required as the potential for the proposals to adversely impact Dungeness, Romney Marsh and Rye Bay SSSI/Ramsar has not been scoped out.

ECOLOGICAL CONSTRAINTS AND MITIGATIONS

The submitted Preliminary Ecological Appraisal (David Archer Associates, November 2024) is comprehensive and no further ecological surveys are recommended. Instead, reasonable avoidance measures can be consolidated into a Construction and Environmental Management Plan (CEMP) secured via planning condition:

CEMP: No development shall be undertaken (including any site and/or vegetation clearance) until a construction ecological management plan (CEMP) which contains full details of the measures outlined in section 5 of the Preliminary Ecological Appraisal (David Archer Associates, November 2024) 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:

- a) Measures to avoid impacts to priority coastal floodplain grazing marsh (CFGM) habitat, including identification of construction exclusion zones;
- b) Specific measures (which may be presented as a series of method statements) to avoid impacts to nesting birds, badgers, great crested newts, reptiles and bats;
- c) The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s); and
- d) Copies of any protected species mitigation licences issued by Natural England as required.

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

Reason: To protect biodiversity in accordance with the NPPF 193 and Local Policy ENV1, to avoid an offence under the Wildlife and Countryside Act 1981 (as amended) and with consideration for Species of Principal Importance under the Natural Environment and Rural Communities Act 2006.

DESIGNATED SITES

Consultation with Natural England is required as the application site falls within the Impact Risk Zone (IRZ) of the Dungeness, Romney Marsh and Rye Bay SSSI/Ramsar and meets the criteria “Airports, helipads and other aviation proposals” specified in the IRZ tool on the [Magic Map Application](#) maintained by Defra. The PEA report does not identify any specific adverse impact the proposals may have on the designated sites, but Natural England’s advice must be taken account of when determining this application. They may require a Habitats Regulations Assessment (HRA) to be carried out.

BIODIVERSITY NET GAIN (BNG)

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 April 2nd 2024. Where required, the Statutory Biodiversity Metric will need to be used to demonstrate a minimum 10% biodiversity net gain. Local policy may request a higher level of net gain. Significant gains will need to be secured for at least 30 years.

Biodiversity net 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.

The submitted BNG assessment confirms that the site is largely composed of priority habitat coastal floodplain grazing marsh (CFGM) in moderate/poor condition. The proposals will result in the loss of a 0.05ha area of CFGM, but a 0.29ha area is retained which may be enhanced (through increasing the species richness of the grassland), delivering a 10% biodiversity net gain (an increase in 0.27 biodiversity units). This route to delivering biodiversity gains is considered feasible. We consider the enhancement of highly distinct habitats (such as CFGM) to be ‘significant’¹. Government guidance² states: “*The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.*” It is our view that significant onsite gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. Monitoring fees should always be secured for significant onsite gains as these will be subject to 30 years of monitoring reports which will need to be reviewed by the LPA at their own cost. Verna have created a tool to calculate BNG monitoring fees: [Free tool: How to calculate Biodiversity Net Gain monitoring charges – Verna](#).

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 included 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.

The following Habitat Management and Monitoring Plan (HMMP) condition is recommended to ensure details of onsite habitat enhancement (as well as a 30-year monitoring schedule) are submitted to and approved by the local planning authority:

HMMP: The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on up-to-date ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:

¹ We have recently drafted an advice note titled ‘[Defining significant onsite enhancements for Biodiversity Net Gain in Kent and Medway](#)’ (February 2025) which outlines our definition of ‘significant’.

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

- a) *a non-technical summary;*
- b) *the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c) *the planned habitat retention, 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 retained, created or enhanced habitat to be submitted to the local planning authority.*

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. 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 the required biodiversity net gain on site in accordance with Local Policy ENV1 and Schedule 7A of the Town and Country Planning Act 1990.

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

Jonathan Lynch ACIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

- BNG Report (Naturegain, June 2025)
- Existing Block Plan (Clague Architects, May 2025)
- Preliminary Ecological Appraisal (David Archer Associates, November 2024)
- Proposed Block Plan (Clague Architects, May 2025)
- Statutory Biodiversity Metric (Naturegain, June 2025)