



ECOLOGICAL ADVICE SERVICE

TO: Sally Hodgson
FROM: Helen Forster
DATE: 23 October 2025
SUBJECT: Little Tuesnoad, Bethersden PA/2025/1028

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 advise that we accept that sufficient information has been provided to determine the planning application.

We advise that the BNG assessment has been filled in incorrectly however we advise that the value of the BNG baseline is correct and therefore we accept that it does not need to be updated prior to determination of the planning application. We advise that the errors must be addressed as part of the submission of the biodiversity gain plan.

Protected/notable species

When we previously commented we advised that no information had been provided considering the impact the proposed development will have on protected species - In particular the impact on GCN as there is a pond on the site.

A simple GCN assessment has been submitted and detailed that the pond on site has poor suitability for GCN and the GCN risk assessment has detailed that the impact is unlikely. We have considered this information and do accept the conclusions that no additional surveys nor a District Level Licence is required.

However as detailed within the submission a precautionary mitigation approach must be implemented during construction and we advise that we are satisfied that this information can be submitted via a condition.

We suggest the following wording:

Prior to works commencing within the site an ecological mitigation strategy must be submitted to the LPA for written approval. The plan must be implemented as approved.

Biodiversity Net Gain

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications⁵⁸ for development (unless exempt^{59,60}), 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 information⁶¹, 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 minimum¹:

- 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

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

- 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 advise that, while the baseline information within the submitted metric(s) is incorrect we accept that sufficient information has been provided to determine the planning application.

Two metric has been submitted. In providing the following comments we advise that we have only reviewed the statutory metric. An updated statutory metric must be submitted to discharge the biodiversity gain plan condition if planning permission is granted.

The submitted statutory metric has detailed that baseline habitats include bare ground, ponds, developed land and vegetated garden are present. This does not correspond with the plan (figure 2) of the biodiversity net gain assessment which states that ponds, modified grassland developed land and bare ground is present.

It is our view that the habitats within figure 2 rather than the statutory metric are correct and the statutory metric should have included modified grassland rather than vegetated garden. However the BNG value of poor condition modified grassland and vegetated garden are the same value and therefore updating the baseline information prior to the determination of the application would not change the value of the site. It is for this reason we have accepted that sufficient information on the baseline has been provided.

The details of the proposed habitats in the statutory metric are incorrect but as details of how 10% BNG will be achieved is a post determination we are satisfied that it does not need to be updated. It is our view that as grassland is to be lost to facilitate the proposal the site will not be able to achieve a BNG of over 10% and therefore off site BNG is likely to be needed. Further details of off site BNG can be found at the end of the report.

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 register (if granted). [Search the biodiversity gain sites register - GOV.UK](#)

The submitted metric has provided details of the proposed habitat creation but we advise that it is incorrect. For example the submitted metric detailed that modified grassland would be created within the site but as it is a residential dwelling modified grassland cannot be created – only vegetated grassland. We advise that prior to the submission of the biodiversity gain plan the metric must be updated to include the correct information.

We have made the following points regarding the proposed habitats as it is not possible to deliver biodiversity gains in private gardens as any habitats created/enhanced cannot be legally secured for 30 years. Generally, all habitat within private gardens should be considered 'vegetated garden' (as required under the Statutory Biodiversity Metric User Guide, page 56) in the habitat creation/enhancement tabs of the biodiversity metric. The User Guide states:

The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record habitats created within private gardens as either:

- 'urban – vegetated garden'; or
- 'urban - unvegetated garden'

When assessing habitat changes within a private garden, you should not:

- record the creation of any new habitats as anything other than 'urban – vegetated garden' or 'urban – unvegetated garden' habitat types
- record the enhancement of any habitats recorded within the baseline

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 form2 along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

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 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*'³
- Site plan showing the location and types of lighting
- Plan showing lux levels due to the anticipated light spill .

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:

- Biodiversity Net Gain (BNG) Assessment; Adonis Blue; August 2025

OFF-SITE GAINS (NEEDS TO BE REGISTERED)

'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

² [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

³ ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)

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 Register⁶⁹ 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'⁷⁰), 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 ⁷¹:

- (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.

