



## ECOLOGICAL ADVICE SERVICE

**TO:** *Kate Altieri*

**FROM:** *Helen Forster*

**DATE:** *25 February 2026*

**SUBJECT:** *Land Adj To Eyhorne St, Hollingbourne 25/504639/FULL*

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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 information and advise that sufficient information has been submitted to determine the planning application.

### **Protected /Notable Species**

When we commented previously we advised that the submitted preliminary ecological appraisal has only considered the potential for protected / notable species to be present within the redline boundary. It had not considered the potential for protected/notable species to be present within the site boundaries which are outside of the redline boundary – in particular the woodland/scrub buffer between the site and the railway line to the north of the site.

We had concerns that it is possible that the site boundaries support badgers, dormouse, breeding birds and Great Crested Newts and the proposed development could have a negative impact on any species present within this area.

When we previously commented we accepted that no further surveys are required for any dormouse or breeding birds associated with the scrub/woodland buffer but we advised that further assessment is required to consider the impact on badgers and great crested newts. We are now satisfied that sufficient information has been provided to address these concerns.

### *Badgers*

A badger survey assessing the embankment has been carried out within the site boundary due to access restrictions. The survey identified mammal holes but it has not been confirmed if they are a badger sett however it is considered unlikely due to the lack of visible mammal trails. However due to the design of the proposal, in the event that badgers are present there will be a landscape buffer between the railway embankment and the proposed access road. In addition it has proposed that measures will be implemented during construction to avoid impacting the adjacent habitat.

### *Great Crested Newts*

GCN have been recorded within the wider area and there is a pond within 100m of the proposed development site and therefore it is possible that GCN may be present within the site or the site boundaries.

Additional information has been provided detailing that through the implementation of precautionary mitigation it is considered that it is unlikely that the works will result in a breach of wildlife legislation. We have considered the submitted information and accept that the approach is reasonable and no further information is required.

We advise that the current management of the site must be continued until works commence on site to ensure no habitat to support protected species will establish.

If planning permission is granted we recommend the following:

*Prior to and during construction the ecological mitigation detailed within chapter 11 of the Ecological Impact Assessment (Adonis Blue; February 2026 ) must be implemented as detailed. If works have not commenced within 2 years of the date of the Ecological Impact Assessment a review and update of the mitigation must be carried out prior to works commencing. A copy of the updated mitigation strategy must be submitted to the LPA for information.*

### **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. Having reviewed submitted information<sup>61</sup>, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.

This application is also required to achieve a BNG of 20% under policy LPRSP14(A) 20% BNG requirements

Any application which is required to achieve a mandatory 10% BNG must submit the following information as a minimum<sup>1</sup>:

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

- 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.

We are satisfied that the application has followed the mitigation hierarchy and, if it can be implemented, appropriate habitat creation has been proposed.

The submitted information has detailed that a BNG of 21% for habitats and 667% for hedgerows can be achieved within the site. This is due to the creation of other neutral grassland, scrub, a sustainable drainage system, the planting of 44 small trees and the planting of native species hedgerows with trees.

We advise that we have concerns that this is not achievable as the proposed block plan does not demonstrate that the hedgerows with trees will be planted around the areas of scrub at the entrance to the site and we have concerns that those areas of dense scrub at the entrance to the site will not be created. We advise that principle 7 of the biodiversity metric principles requires habitat interventions need to be **realistic and deliverable**. The applicant confirmed within a meeting that the landscaping detailed within the site plan and BNG assessment will be carried out and therefore we will have to trust that this will be implemented – however the LPA must be satisfied with the proposed landscaping.

However we do highlight that if the scrub is not planted within the entrance of the site the proposal will not be able to achieve over 20% BNG required as part of policy LPRSP14(A)

We advise that if on site BNG for habitats cannot be achieved 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, if needed, 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 if off site habitat creation is required details of 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.

#### *On site significant*

Significant on-site gains are areas of habitat creation or enhancement which contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development. Retention of existing habitat cannot count as an on-site significant gain.

We consider the creation of the other neutral grassland to constitute significant<sup>2</sup> on-site gains. Government guidance 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."*<sup>3</sup>

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<sup>2</sup> We have recently drafted an advice note titled '[Defining significant onsite habitat for Biodiversity Net Gain in Kent and Medway](#)' (March 2025) which outlines our definition of 'significant'. However, this document is awaiting a revision whereby reference to retained habitats counting as on-site significant habitats will be removed.

<sup>3</sup> [Make on-site biodiversity gains as a developer - GOV.UK](#)

It is our view that these significant on-site gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. It is our view that monitoring fees should be secured for these significant on-site gains as these gains will need to be subject to monitoring reports across 30 years, which will need to be reviewed (and acted upon as necessary) by the LPA at their own cost. We provide details of suggested monitoring fees in our March 2025 advice note 'KCC Ecological Advice Service suggested BNG Monitoring Fees' which has been distributed to all LPAs in Kent.

*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 the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority. The Plan shall include:*

- 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 (including detailed landscaping plan(s) and planting schedule(s)) 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 implemented, managed, maintained and monitored 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.*

## **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.

In addition to BNG there is a need for ecological enhancement features to be incorporated in to the site.

We recommend the following wording:

*Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The Plan shall include full details of the biodiversity enhancements to be implemented on-site. The Plan shall include:*

- *Provision of integrated bat, bird or bee features within all dwellings. with the exact locations, make and model and height from ground level shown on scaled plans suitable for construction.*
- *The creation of labelled hedgehog highways (by creating small 13×13cm gaps in close board fencing) to facilitate the movement of hedgehogs across the site;*
- *The provision of of log piles/artificial refugia for reptiles and amphibians. The exact locations and details of construction material shall be shown on scaled plans suitable for construction.*
- *The provision of insect hotels within the open space.*

*The Plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.*

### **Lighting**

It is likely that nocturnal animals are within the site boundaries (this could include badgers or foraging/commuting bats). Lighting can have a negative impact on 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 required.

*Prior to works above ground level a lighting plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained thereafter.*

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

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal; Adonis Blue; November 2025
- Biodiversity Net Gain Assessment; Adonis Blue; October 2025
- Proposed Block Plan; September 2025| GDM Architects.