



ECOLOGICAL ADVICE SERVICE

TO: *Danielle Wilkins*

FROM: *Hannah Simmons*

DATE: *03 January 2024*

SUBJECT: *23/1680/FH / The Pepperlands, Brookland, TN29 9QU*

The following is provided by Kent County Council's Ecological Advice Service (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 whether sufficient and appropriate ecological information has been provided to assist in its determination. 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.

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 further information is sought from the applicant with regards to the potential for ecological impacts to arise.

The site is made up of a residential garden and paddock, currently unused and vacant. The lack of management of the paddock can be seen in the images in the Planning Statement, showing that shrubs and other tussocky habitats have begun to develop. Therefore, we have considered the ecological information submitted with adjacent planning applications. The Preliminary Ecological Appraisal (planning reference 23/0782/FH) and reptile survey and mitigation report (planning reference 22/1876/FH) for the adjacent proposals reported similar habitats to those present on this current application, and reptiles were found on site, plus the potential for Great Crested Newts to be present in the suitable habitat on site. Given the proximity and the similarities between the sites, we advise that an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines.

The EclA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken;

- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 which states “*it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*”.

The EclA will also ensure alignment with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraph 180 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF 2023, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. As such, we advise that information is submitted with the EclA to demonstrate that the development can achieve a measurable biodiversity net gain. The latest biodiversity metric can be used to demonstrate a measurable biodiversity net gain.

In addition to the required habitat improvements for net gain, the Planning statement has stated that there is planned “*provision of log piles, wildflower planting and the provision of bat and bird boxes.*” We advise that these enhancements are incorporated into any plans as part of the reserved matters application.

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

Hannah Simmons
Biodiversity Officer

This response was submitted following consideration of the following documents:

Planning Statement. Bloomfields. October 2023

23/0782/FH Preliminary Ecological Appraisal. K B Ecology. 20 June 2023

22/1876/FH Reptile Survey. K B Ecology. 18 October 2022