

Biodiversity Gain Exemption Statement

Revision A — September 2026

Site	Land at Empress Road (former garage court adjacent to No. 33), Gravesend, Kent
National Grid Reference	566115 173777
Site area	0.06 hectares
Proposal	Demolition of disused garages and erection of 7 self-contained flats
Local Planning Authority	Gravesham Borough Council
Document reference	EMP-BGE-001 Rev A
Supersedes	Biodiversity Net Gain Assessment Report, March 2025 — withdrawn and not relied upon
Prepared by	Tudor Agencies
Date	September 2026

1. Purpose

This statement sets out the applicant's position on the statutory biodiversity gain condition in respect of the proposed development at Land at Empress Road, Gravesend. It establishes that the development is exempt from the condition, sets out the basis of that exemption, and describes the ecological enhancements the scheme delivers voluntarily.

It supersedes the Biodiversity Net Gain Assessment Report dated March 2025, which was prepared for an earlier ten-unit scheme, under an earlier statutory regime and using a superseded version of the statutory metric. That report is withdrawn and is not relied upon in support of this application.

2. The exemption

2.1 The legislation

Schedule 7A to the Town and Country Planning Act 1990 imposes a general biodiversity gain condition on planning permissions granted in England, requiring a minimum ten per cent gain in biodiversity value. The Biodiversity Gain Requirement (Exemptions) Regulations 2024 set out the exemptions to that requirement.

Those Regulations were amended with effect from 6 August 2026. The amendments introduce a new area-based exemption for development where the area of land to which the application relates — measured by the red line boundary, not merely the developed footprint — is 0.2 hectares or less, provided that on-site priority habitat is not negatively affected. The exemption applies to applications for planning permission made on or after 6 August 2026.

2.2 Application to this site

Test	Position on this site
Is the application made on or after 6 August 2026?	Yes. The application is made in September 2026.
Is the red line site area 0.2 hectares or less?	Yes. The site area is 0.06 hectares, comfortably below one third of the threshold. The area is derived from the site boundary shown on drawing 198/PO1 and corroborated by the surveyed extent recorded in the earlier ground and environmental reporting for the site (Groundsure reference IT-38610194).
Is on-site priority habitat negatively affected?	No. The site contains no priority habitat. It comprises approximately 500 m ² of sealed asphalt and concrete hardstanding and approximately 50 m ² of sparse ruderal vegetation on the margins. Neither is a habitat of principal importance under section 41 of the Natural Environment and Rural Communities Act 2006, and neither appears on the England priority habitat inventory. There is no open mosaic habitat on previously developed land: the surface is sealed and continuous, without the bare ground and early successional mosaic that characterises that habitat type.

Test	Position on this site
Is the development otherwise excluded from the exemption?	No. The development is not a Nationally Significant Infrastructure Project, is not permitted development, is not a gain site, and is not temporary development.

Conclusion on the exemption

The development is exempt from the biodiversity gain condition by virtue of the 0.2 hectare area-based exemption. No Biodiversity Gain Plan is required, no statutory metric calculation is required, and no on-site or off-site biodiversity units are required. The Council is invited to record the exemption at validation.

3. Baseline condition of the site

The site is a disused garage court behind the Empress Road frontage. Its condition is recorded here so that the Council can satisfy itself on the priority habitat question without further survey.

Feature	Description
Hardstanding	Approximately 500 m ² of asphalt and concrete, sealed and continuous, forming the aprons and access to the former garages.
Ruderal vegetation	Approximately 50 m ² of sparse opportunistic vegetation on the margins and in cracks in the hardstanding. Common ruderal species; no indicator species of any habitat of principal importance.
Structures	Disused single-storey garages in a derelict and structurally redundant condition.
Trees	None on the site. No tree on the site or immediately adjoining it is subject to a Tree Preservation Order.
Water	No pond, ditch, watercourse or standing water on or adjoining the site.
Designations	No statutory or non-statutory nature conservation designation applies to the site or to land adjoining it.

The site is, in short, one of the least ecologically valuable conditions a parcel of land in an urban area can be in: ninety per cent sealed surface with a fringe of opportunistic weed growth.

4. Obligations that survive the exemption

Exemption from the biodiversity gain condition does not remove other ecological obligations, and the applicant does not treat it as doing so. The following continue to apply and are addressed.

Obligation	Position
Protected species — Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017	The garages are single-storey structures in poor condition. A precautionary approach is adopted: a pre-demolition inspection of the garage structures for roosting bats and for nesting birds will be undertaken by a suitably qualified person immediately before demolition, and works will not proceed if evidence is found until the appropriate licence or mitigation is in place. This can be secured by condition.
Nesting birds	Clearance of the ruderal vegetation and demolition will be undertaken outside the bird nesting season of March to August inclusive, or immediately following a check by a suitably qualified person confirming the absence of active nests.
National policy — Framework policy N2	The Framework requires that development contributes to and enhances the natural environment, and that opportunities to incorporate biodiversity improvements are taken. The scheme does so, as set out at Section 5, notwithstanding the exemption.

Obligation	Position
Development plan policy	Local policy on biodiversity is applied in the light of Annex A of the Framework. The scheme delivers a demonstrable improvement over a wholly sealed baseline.

5. Voluntary ecological enhancements

The scheme delivers a genuine ecological improvement over the existing condition. This is offered voluntarily and is capable of being secured by condition. It is not put forward as a metric calculation, because none is required and a calculation on a site of this baseline would be a formality rather than an assessment.

Enhancement	Detail
De-sealing	The most significant gain. The site is presently approximately ninety per cent sealed. The scheme replaces continuous asphalt with a mixture of building footprint, permeable block paving and soft landscaping, introducing planted ground where there is currently none.
Native boundary planting	Native hedging and climbing plants to the site boundaries, selected for nectar and berry value across the season.
Trees	Two small ornamental or native trees within the communal amenity area, of a species and size appropriate to the constrained context.
Pollinator planting	Nectar-rich planting within the communal amenity area and to the margins of the parking court.
Bird boxes	Not fewer than four integrated nest bricks or boxes on the new building, at appropriate heights and aspects, including provision suitable for house sparrow and swift.
Bat boxes	Not fewer than two integrated bat boxes or bat bricks on the new building, on warm elevations away from lighting.
Lighting design	External lighting designed to minimise spill to boundary planting and to the roof line, with warm-temperature luminaires and directional shielding, so that the site does not become a light barrier to foraging bats.
Management	Landscaping and ecological features maintained by the management company under the same arrangements that cover parking, refuse and lighting.

6. Note on the superseded March 2025 report

The Biodiversity Net Gain Assessment Report dated March 2025 was prepared for a different scheme — ten units in a three-storey block — under the statutory regime as it stood before the August 2026 amendments, and using version 4.0 of the statutory metric. It is superseded on every count: the scheme it assesses is not the scheme applied for, the regime it applies has been amended, the metric version it uses is not the current one, and the requirement it seeks to demonstrate compliance with does not apply to this development.

It is accordingly withdrawn. It forms no part of this application and no reliance is placed on any figure within it. This statement is the applicant's complete position on biodiversity.

7. Conclusion

The site area is 0.06 hectares. No priority habitat is present or affected. The application is made after 6 August 2026. The development is therefore exempt from the statutory biodiversity gain condition under the area-based exemption, and no Biodiversity Gain Plan or metric calculation is required.

Notwithstanding that exemption, the scheme replaces a ninety per cent sealed derelict garage court with a development incorporating soft landscaping, native boundary planting, trees, pollinator planting, integrated bird and bat provision and a considerate external lighting design, all maintained in perpetuity by the management company. The proposal leaves the site in a demonstrably better ecological condition than it found it.

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