



ECOLOGICAL ADVICE SERVICE

TO: Gary Edwards
FROM: Hannah Simmons
DATE: 22 September 2026
SUBJECT: 20250303 Land Rear of Hilary Cottage, Rochester

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 – SUFFICIENT INFORMATION

We have reviewed the information submitted by the applicant and advise that sufficient **ecological and biodiversity net gain** information has been provided for determination. Recommended **condition** wording is provided below.

Protected Species

There is limited habitat on site for reptiles and breeding birds. We advise that there is a condition for precautionary measures for reptiles & breeding birds if planning permission is granted.

Suggested Condition Wording:

From commencement of works (including site/vegetation clearance) and for the duration of works, to avoid impacts to protected and priority species, the following precautionary mitigation shall be implemented:

- Any hedgerow and trees to be retained, including its roots, shall be protected from damage in line with The British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012);
- All temporarily stored building materials (that might act as temporary resting places) shall be isolated within hardstanding areas and raised off the ground, e.g. on pallets.

- *Trenches and other excavations shall be backfilled or suitably covered before nightfall (alternatively, a ramp shall be inserted to allow newts and other animals to easily exit);*
- *Any work to vegetation/structures that may provide suitable bird nesting habitats shall be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If works are within the breeding bird season, a survey by a suitably qualified person shall be conducted to confirm absence, prior to commencing works.*
- *If at any time a protected species is discovered within the works area, all works must stop while a suitably qualified ecologist and/or Natural England are consulted.*

Biodiversity Net Gain

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications¹ for development (unless exempt^{2,3}), 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 information⁴, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development. We consider there is no local policy biodiversity net gain requirement above 10% for this development.

A Statutory metric and BNG Assessment have been submitted. Please find a below simplified review of the information submitted:

Table 1: To show a summary of our review of submitted biodiversity net gain information

Percentage Net Gain Required	Percentage Net Gain Reported for Area Habitats	Net Gain Proposed:	On-site 'significant' Net Gains Proposed
10%	10.56%	all on-site	Yes

BNG Information

- Proposed net gain – 10.56%
- Site size - 1900m2 (matches application form)
- Survey date – 30 June 2025 (follow up survey conducted 12 June 2026 found no change to the habitat types on site)
- Correct baseline habitats - yes
- Strategic significance - correct
- Habitat baseline map provided – yes
- Degradation – none observed

¹ All planning applications for major development (unless exempt) submitted on or after 12th February 2024 in England, and all minor applications (unless exempt), submitted on or after the 2nd April 2024.

² Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)

³ The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (legislation.gov.uk)

⁴ References to the biodiversity value of any habitat or habitat enhancement within this section of the advice note refer to the value as calculated in accordance with the biodiversity metric.

- Modified Grassland being enhanced to Other neutral grassland (ONG) – significant on-site habitat must be secured – HMMP required

Significant on-site gains

We consider the enhancement of Modified grassland to Other neutral grassland to constitute significant⁵ 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.”*⁶

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 provided 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.

Additionally, we recommend conditions for Habitat Management and Monitoring Plan (HMMP) to secure the significant on-site gains. The HMMP will need to align with the approved biodiversity gain plan and detailed landscaping plans. We also recommend that the conditions secure the retention of modified grassland. Although the retention of existing habitat cannot count as on-site significant habitat, the relevant retained habitats are recommended to be secured, as well as the relevant created and enhanced habitats, as without the retained habitats, the 10% biodiversity net gain would not be achieved. Furthermore, there are national and local policies in place to conserve biodiversity.

Suggested Condition Wording:

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan (submitted as part of the deemed condition discharge application), 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;*

⁵ 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.

⁶ [Make on-site biodiversity gains as a developer - GOV.UK](#)

- 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;*
- f) *details of the decommissioning process to be followed, and measures to be taken, to mitigate impacts to protected and priority species and habitats, including reference to an up-to-date ecological impact assessment carried out in line with current professional guidelines.*

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.

Suggested Condition Wording:

Monitoring reports demonstrating that the development is achieving the targeted biodiversity net gain in the approved biodiversity gain plan shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. Remedial measures, if required, shall be specified within an updated HMMP submitted for approval in writing by the local planning authority at the same time as the submission of each monitoring report. The remedial management measures shall be implemented as approved.

Ecological Enhancements

Suggested biodiversity enhancements include the provision of durable bird/bat boxes (for house sparrows, starlings, swifts or as appropriate to the development and preferably integrated into new structures), the creation of artificial refugia for reptiles/amphibians and/or creation of bug hotels/bee bricks for invertebrates. Where placed on buildings, bat and bird boxes should be clearly visible on elevations plans.

We advise that measures to enhance biodiversity are secured as a condition of planning permission, if granted.

Suggested Condition 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 suitably placed bat and/or bird boxes, with the exact locations, make and model and height from ground level shown on scaled plans suitable for construction. In the case of building mounted boxes, scaled elevation plans shall be provided. Boxes for breeding birds shall be targeted at S41 priority species and/or red/amber listed species as listed within the latest British Trust for Ornithology Birds of Conservation Concern report. Boxes shall be building integrated and/or constructed of woodcrete to ensure durability. The numbers and types of bat and bird boxes shall be chosen with reference to site ecological survey data, the published Kent Local Nature Recovery Strategy and BS 42021:2022 'British Standard for integral nest boxes';*

- *The provision of bee bricks and/or the provision of log piles/artificial refugia for reptiles and amphibians. The exact locations, make and model, height from ground level, size and construction materials shall be shown on scaled plans suitable for construction.*

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

Lighting

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows . Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2026 .

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

Currently no lighting is proposed, and therefore, we are satisfied that no impacts are likely to occur to nocturnal wildlife as a result. However, should this change and if lighting is required, we advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission.

ONLY IF LIGHTING IS REQUIRED: Suggested Condition Wording:

Prior to occupation, a lighting design plan for biodiversity 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.

Hannah Simmons
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Ecological Impact & Biodiversity Net Gain Assessment Reference number: 0331_536. Kent Sussex Ecology. June 2026
- Statutory Biodiversity Metric. Kent Sussex Ecology. 21 June 2026