



ECOLOGICAL ADVICE SERVICE

TO: Adeoye Lawal
FROM: Emma England
DATE: 24 September 2026
SUBJECT: 20251233 / Land at Rose Farm, Istead Rise

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.

N.B.: This advice note contains sensitive information pertaining to the location of a badger sett. Any information relating to badgers and their setts should be redacted for the public register.

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/informative wording is provided in Appendix 1.

Developer contributions will need to be provided to mitigate for recreational pressure within the zone of influence of designated sites of international importance.

A summary of our review of the submitted biodiversity net gain information is provided below. Detailed comments on the submitted ecological and biodiversity net gain information follow the subheadings below.

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

Percentage Net Gain Required	Percentage Net Gain/Loss Reported for Area Habitats	Percentage Net Gain/Loss Reported for Linear Habitats	Net Gain Proposed: 1 – all on-site; 2 – no significant on-site and off-site; 3 - significant on-site and off-site	On-site ‘significant’ Net Gains Proposed (Yes/No)
10%	-100%	-100%	Given the size of the development and available open space provision, it is likely that significant on-site habitat will be provided as well as off-site gains required.	Highly likely although no indicative post-development calculations have been provided to assist assessment. We would recommend conditions assuming on-site significant habitats will be provided should planning permission be granted.

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.

We have produced the following table to aid the local planning authority in ascertaining whether sufficient BNG information has been submitted:

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.

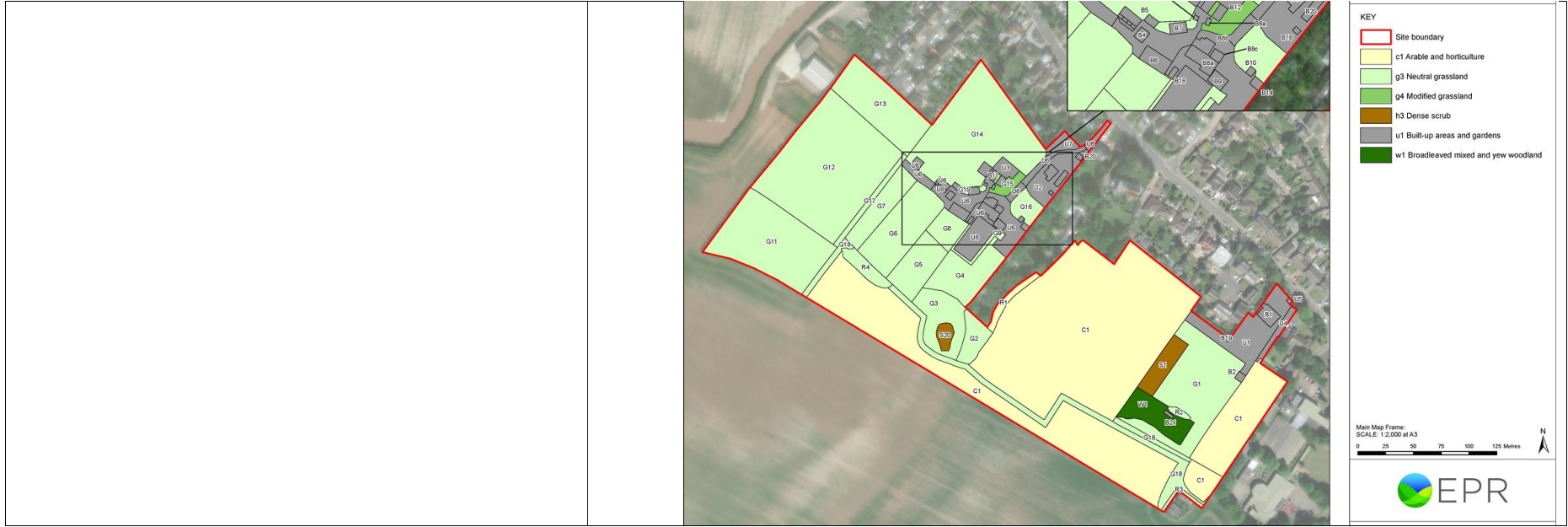
Table 2: To show whether the applicant has met the minimum validation requirements, and expected standards according to government standing advice

Information Needed	Provided	Comments
Confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition.	Yes	
The pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate).	Yes	Site visits were carried out by a suitably qualified ecologist on 18th March, 9th June, 2nd July, 12th July, 13th July and 6th October 2025. This is considered acceptable to inform the habitat baseline for this application given the site size, location and habitats reported. The date the biodiversity value was calculated has been given as 9th June 2025. The reason provided in the application is that this is the date the baseline survey was carried out. However, we note that botanical survey extended into October 2025. We therefore consider that the 'relevant date' should be taken to be no earlier than 6th October 2025. The biodiversity metric calculations were made 18th November 2025 and we suggest that this or the date of the planning application submission be made the 'relevant date' for this application when the Biodiversity Gain Plan is submitted for discharge should planning permission be granted for this application.
Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.	Yes	We suggest that the 18 th November 2025 or the date of the planning application submission be used as the 'relevant date' for this application.
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.		The site is 9.6 hectares in size, according to the information in the application form. The habitat area reported in the biodiversity metric calculation tool (9.57 ha) closely matches the reported red line boundary site area as per the application form. We are content with the baseline habitat classifications. Commentary on post-development habitats is provided below this table. We highlight to Gravesham Borough Council that the Kent and Medway Local Nature Recovery Strategy (LNRS) was published 28th November 2025. The LNRS was published after the 'relevant date'. As the LNRS was published after the relevant date, the 'pre-development' biodiversity value does not need to be updated. As the publication of the LNRS has occurred whilst the planning application is live, and as its publication could affect the post-development strategic significance score, the strategic significance scores in the biodiversity metric calculation tool for the post-

		development habitats will need to be reviewed in advance of the deemed condition discharge⁵. The habitat creation/enhancement strategic significance scoring will need to reflect the published LNRS. The strategic significance score can be determined through use of the Local Habitat Map, available here: Local Nature Recovery Strategy mapping portal Making Space For Nature Kent, with guidance on its use available here: How to use the online mapping tool Kent and Medway Local Nature Recovery Strategy. A guidance document on how to apply strategic significance is available here: The-role-of-Kent-Medways-Local-Nature-Recovery-Strategy-in-Biodiversity-Net-Gain-Strategic-Significance-.pdf. As a general note we point out that there is inconsistency in the tree numbering between reports. This should be reviewed and corrected so it is very clear which trees are being referred to in the reports. We note that the following trees have been identified within the ecological information to be of ecological value: T17, T29, T32, T33, T34, T36 and G16 (Former Elmlands Shaw Trees) and T59. However, we also note that some of these trees have been identified for removal (G16, T17, T19, T21, T22, T18, T25). We understand from the project arboricultural consultant that that G16 contains mature ash trees with ash dieback along with some younger trees. We understand that these trees need to be removed to assist the design and permit the principal access road to link the east and west of the site. We understand that similarly, T18, T19, T21, T22 and T25 also require removal to assist the layout and link the east and west of the site. We understand that these trees have been selected for removal to allow retention of more valuable trees in terms of amenity value. T17 was not mentioned in the latest response. We consider that input from an arboricultural officer would be of value to Gravesham Borough Council.
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 ('<u>degradation</u>'), 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;	Yes	None reported or visible on aerial imagery (Google Earth Pro, accessed April 2026)

⁵ [LNRS and SS Multiplier Transition Guidance 2.pdf](#); [LNRS & Strategic Significance Multiplier Transition | Local Government Association](#)

- 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 <u>irreplaceable habitat</u> (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).	Yes	We consider that there are no irreplaceable habitats on-site and we are therefore satisfied with the mitigation and compensation measures proposed.
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).	Yes	Available within the Ecological Impact Assessment. 

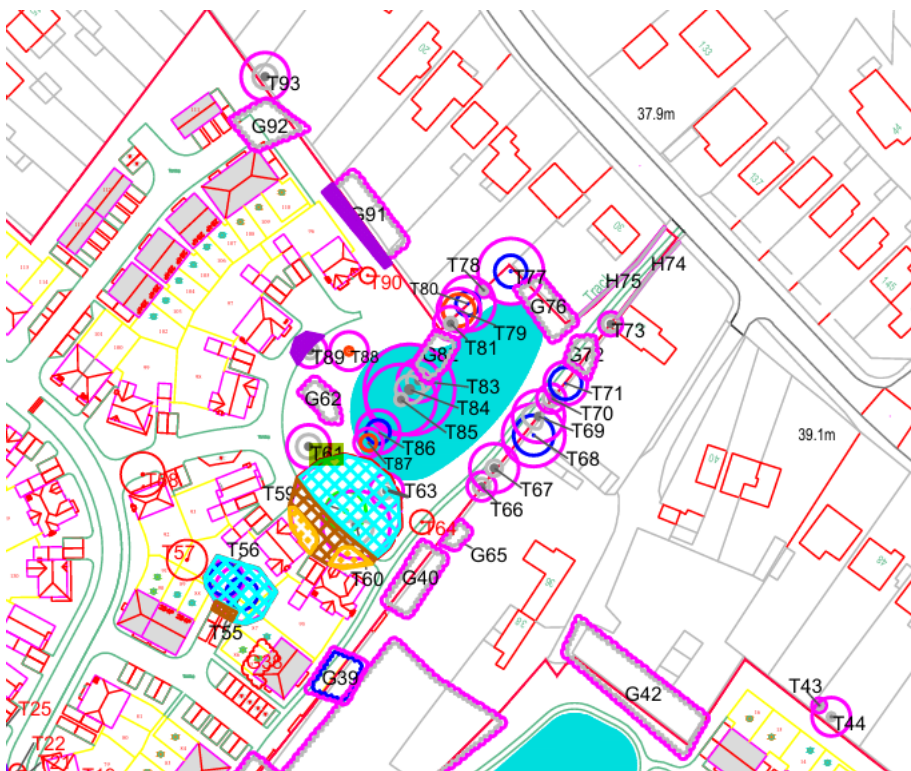


Veteran Trees

In our previous response we noted that three on-site trees (T90, T61 and T89) had been classified as veteran fruit trees and irreplaceable habitat within the biodiversity metric calculations. The project ecologists had considered the trees to meet the definition of veteran trees within The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, but not the definition within the National Planning Policy Framework 2024.

Gravesham Borough Council has commissioned an '*Independent arboricultural view on three trees on this site and their potential veteran status*'. This report concludes that the three trees identified by EPR as BNG veteran trees do not meet the relevant definition.

The arboricultural impact assessment lists T90 for removal, with T61 and T89 retained within the open space identified within the parameter plan. We are therefore content with the current proposed mitigation and compensation for the loss of T90, and impacts to the root protection areas of T61 and T89.



Post-development Habitat Information

We previously requested the following:

- *Update of the biodiversity net gain calculation tool to show proposed habitat retention (including based on the tree protection plan), and indicative post-development on-site habitats based on the illustrative landscape masterplan and parameter plan.*

The project ecologists have responded with the following:

“The Biodiversity Gain Regulations do not require assessment of the post-development position at the application stage: the applicant’s view is that this assessment can be secured through the standard biodiversity gain condition – alongside a suitably detailed Biodiversity Gain Plan and Habitat Management and Monitoring Plan, as proposed within the submitted BNG Validation Statement.

In terms of the ‘indication’ suggested by KCC EAS, it can be advised that 10% BNG (and compliance with the applicable trading rules) is unlikely to be achievable within the parameters of the current proposals. As is typically the case with development sites characterised by a high proportion of semi-natural grassland cover, the proposed development is projected to incur an unavoidable reliance on off-site biodiversity units, as indicated in the BNG Validation Statement”.

The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 requires information pertaining to the on-site habitat baseline be provided with the application for planning permission. We are content with the baseline habitat calculations and plan provided. We are content that the minimum validation requirements with regards to mandatory 10% biodiversity net gain have been met.

We understand following a meeting with Gravesham Borough Council regarding this application that with regards to this application, that the minimum validation requirements will be largely all that is required at the present time, although confirmation will be sought to indicate that there will be no net loss of biodiversity within the Borough, as per local policy. This confirmation can be provided through evidence that off-site compensation can be provided within Gravesham Borough Council area. We understand that planning obligations/ conditions will be attached to any decision notice granting planning permission for this development to take into account the biodiversity gain hierarchy and the likely presence of on-site significant habitat gains post-development.

Ecological Impact Assessment

An Ecological Impact Assessment (EclA) has been provided to support this application. This document recommends a “*Construction Environmental Management Plan (CEMP) to set out detailed measures for protecting the environment during the site clearance and construction phase. This will include specifications for construction timing and logistics; pollution prevention measures; measures to control surface water run-off and the emission of dust and noise; and specific measures that will be prescribed to avoid or mitigate damage and disturbance to important species and habitats, such as the exclusion of construction activities from sensitive areas*”. This can be secured by condition should planning permission be granted for this application.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and National Planning Policy Framework (NPPF) 2026, biodiversity should be maintained and enhanced through the planning system.

The EcIA recommends a wildlife sensitive lighting design, a detailed lighting strategy and plans, and ecological enhancement features such as bat and bird boxes and hedgehog highways through garden fencing. These measures should be secured by condition should planning permission be granted.

The recommended ratio of integral nest boxes⁶ to residential units is 1:1, with 4-10 recommended for a small block of flats and 10-40+ for larger developments (e.g. warehouses, schools, hospitals and large blocks of flats). Integral swift and bat features are also supported by the NPPF 2026 and the Kent Local Nature Recovery Strategy.

Badger

Badgers are protected under the Protection of Badgers Act 1992, due to high levels of persecution. This Act protects badgers and their setts. It is an offence to disturb, damage, obstruct or destroy a badger's sett. Active badger setts require a licence to close, and some setts (e.g., main setts) will require compensation through artificial sett creation if they are to be lost from a development site.

We understand that there are potential badger sett(s) on-site and close to the site. Badger activity surveys have not been undertaken in order to provide greater certainty regarding the type of sett and its current use by badgers, although heavy use by badgers was not confirmed in the walkover survey. We understand following a meeting with the project team that it is highly likely that impacts to badgers, based on the current position of the potential sett(s) can be avoided in the detailed design phase. Provided the avoidance of the current sett(s) can be avoided and mitigated for at the detailed design phase and throughout the site clearance and construction period, we are satisfied that a detailed badger mitigation strategy can be secured by condition should planning permission be granted for this application.

Bats

A bat survey report forms part of the submission material. This report provides information relating to preliminary roost assessments, emergence surveys, night-time bat walkovers and automated static detector surveys in 2025. The site is used by roosting, commuting and foraging bats. It is likely that if the bats are using the trees running along the proposed new access road to forage and commute that they will be adversely affected by increased artificial lighting. The detailed design should focus on strengthening boundary vegetation and minimising lighting along boundary vegetation and in new open space areas.

Commuting and Foraging Bats

At least eight bat species were recorded using the site for foraging and commuting. Some of these species are rarer species in a UK context, and some of these species are known to be very light sensitive.

⁶ BS 42021:2022 'British Standard for integral nest boxes'

The submitted EcIA/bat report does not provide a clear objective assessment regarding the importance of the assemblage on-site in line with the latest bat mitigation guidelines⁷ (Tables 3.1 and Table 3.3). The latest bat mitigation guidelines would elevate the importance of the site for bats based on the species richness. Nevertheless, the reported bat activity suggests low to moderate activity levels recorded for the majority of species which would likely mean that the importance of the bat assemblage as per the guidelines would be overestimated for the site. However, we note that a bat pass has only been reported where it occurs over a minimum 10 second trigger window. We consider therefore that the bat activity levels reported in the EcIA are likely to represent an under-reporting of the bat activity levels on-site. A definition of a bat pass in the bat survey guidelines is given as: *“any call, or series of calls, separated by more than one second from another call or series of calls...”* The guidelines also suggest that a 2 second gap between calls can be defined as a bat pass, with a 5 second sound file of a species being termed a ‘registration’.

Nevertheless, there are opportunities on-site to minimise harm to roosting, commuting and foraging bats through the areas of open space provision.

Roosting Bats - Buildings

The presence of common pipistrelle flying onto the site from off-site locations close to sunset indicates that common pipistrelles from off-site roosts are using the site. Common pipistrelle roosts were also detected on-site in Building 15 (Evelyn Cottage), Buildings 8a, 14 and 9. We note that emergence surveys of the buildings were carried out during July and August in the bat maternity season. We also note that some of the surveys did not follow standard survey guidelines although roost characterisation has been provided within the latest submission of the EcIA.

A bespoke survey, relatively late in the maternity season (28th July 2025), rather than standard accepted survey effort was used to survey Buildings 8a, 9 and 14. These buildings were assessed during the preliminary roost assessment to be of low roosting suitability. Across 12 buildings on-site (including these three), three mobile surveyors and eight infrared cameras were used to cover ‘certain features’. This is not accepted practice to assess low suitability buildings for roosting bats, although justification for this approach has been provided. One roosting common pipistrelle bat was recorded emerging from Building 8a, one roosting common pipistrelle from Building 14 and two from Building 9. A further survey in late September was undertaken to characterise the roosts. The EcIA indicates at least four-day roosts for common pipistrelle on-site.

The ecologists have indicated that sufficient information is available to evaluate the on-site roosts present in buildings. We consider that the methodology and findings are sufficient in this particular case to support the planning application. However, we would usually

⁷ [UK Bat Mitigation Guidelines 2025 | CIEEM](#)

consider it important that standardised and accepted methodology is used alongside any bespoke surveys to ensure that survey effort meets the relevant standards and allows comparability of the importance of ecological features between sites.

Roosting Bats - Trees

We note that surveys of trees with bat roosting suitability known for removal to facilitate the development have now been carried out in line with published guidelines. We are satisfied with the results of the surveys and recommend that updated surveys for both trees and buildings, along with a detailed bat mitigation strategy are secured by condition should planning permission be granted for this development.

Birds

Breeding bird surveys were undertaken on-site (four daytime survey visits between 12th May 2025 and 16th June 2025 spaced at least 10 days apart). The project ecologists have justified that four visits (rather than the standard six) are proportionate given the size of the proposed development and types of habitats present. The surveys were only carried out across two months when surveys are usually recommended between late March and early July with at least one nocturnal visit to ensure the maximum spread of breeding species that could make use of the site is captured.

Given the habitat types and land use recorded, we did not previously request further survey information (although if sufficient habitat cannot be retained and/or created on-site then we stated that we may request it). We did previously request further information, including an outline avoidance, mitigation, compensation and enhancement strategy that commits to retaining as much habitat as possible that is most likely to provide the best habitat on-site for breeding birds. Where breeding bird habitat cannot be retained, we requested that appropriate mitigation and compensation is put forward.

We noted that given the recorded presence of swift on-site, the development provides an excellent opportunity to incorporate swift nesting habitat into the development as an enhancement.

Overall, we consider that the surveys were not sufficiently spread across the bird survey season. Some breeding species may have been missed on-site, although we accept that the much of the site is likely to provide poor habitat for many breeding species (e.g., intensively grazed paddocks and arable fields below 5ha in size). Key areas would be the hedgerows, tree lines and remnant woodland. A small meadow may provide useful foraging habitat for some species.

Despite this and the survey limitations, 36 species were recorded using the site, five red listed, seven amber status and five Species of Principal Importance for conservation under section 41 of the NERC Act 2006. The breeding bird survey report has assessed the bird assemblage on and around the site to be of importance to 400m from the site boundary due to the abundance, diversity and composition recorded. We understand that the

ecologists have placed the site's value at below local importance for breeding birds. However, we suggest that it is not possible to provide a confident assessment of the value of the site for breeding birds given the limitations to the surveys completed.

Additionally, based on the criteria of 'A Method for Assessing the Ornithological Interest of Sites for Conservation' (Fuller, 1980), 25-49 species on a site would make it of local importance for breeding birds. It is however widely accepted that due to the widespread declines in the populations of many bird species in the UK that the brackets of geographical importance in Fuller (1980) are outdated. Local importance is defined in the latest Ecological Impact Assessment guidelines as "*district, borough or parish context or within other locally defined areas*".

The latest government indices show that in general, farmland bird populations are 'deteriorating'^{8,9}, with both breeding and non-breeding farmland birds showing the greatest long-term and short-term declines of all bird populations. Farmland bird populations have decreased by nearly two thirds since 1970 and by 13% in the last five years.

Although the site is relatively modest in size, it contains habitat suitable for a range of breeding birds, including some farmland species^{10,11} such as house sparrow, linnet, song thrush and starling. Some farmland birds breeding off-site may forage on-site. There are measures that could be taken within the detailed design to mitigate for the loss of farmland habitat, and even provide an enhancement for some species, as many of the species found on-site have the potential to make use of residential gardens and the proposed open space.

The current Ecological Impact Assessment guidelines state: "*Consideration of impacts at all scales is important, and essential if objectives for no net loss of biodiversity and maintenance of healthy ecosystems are to be achieved*". We consider that given the survey limitations, and given the presence of species of conservation concern on-site, that mitigation/compensation should be provided for the potential loss of foraging and breeding habitat for the breeding bird assemblage in general, but primarily for the species of conservation concern. This can be secured by condition should planning permission be granted for this application.

Reptiles

We understand that there is approximately 1.21 ha of suitable reptile habitat within the proposed development site. Reptile surveys were carried out on site. These surveys were carried out at an appropriate time of year, but some were outside recommended survey temperatures. One survey in June was carried out entirely above recommended survey temperatures, and two ended above recommended survey temperatures. Four surveys

⁸ [Birds of the wider countryside and at sea - GOV.UK](#)

⁹ [Wild bird populations in the UK and in England - GOV.UK](#)

¹⁰ [Farmland Bird Profiles - Game and Wildlife Conservation Trust](#)

¹¹ [Top 10 Farmland Birds in the UK](#)

were conducted within recommended guidelines. No reptiles were recorded on-site during the surveys carried out.

However, we note that a neighbour reports seeing an 'adder' near the site (38 Downs Road) and coming from the site in late summer 2025. The neighbour does not have photographic evidence, but believes it was an adder because it had a dark zig-zaggy pattern running along its back. The location of this was about 30 metres from the badger sett along the same boundary line in the direction of Downs Road. We understand that the snake was heading towards a pond.

There are some limitations with the reptile surveys carried out at the site, and it is possible that as a result, the presence of a low population of a snake species has been missed. We do not consider it likely that a large population of reptiles has been missed, and we do consider that it will be possible to incorporate mitigation for reptiles into a construction ecological management plan, and within the detailed landscaping design. We would recommend that a suitable amount of high-quality reptile habitat (rough grassland and scrub mosaic) be included within the detailed design to mitigate for the loss of reptile habitat from the site or further reptile surveys be undertaken in line with current temperature guidelines (surveys in temperatures up to 18 degrees Celsius). We recommend that habitat and its management suitable for reptiles be secured by condition should planning permission be granted for this application.

Recreational Disturbance; Designated Sites

The application site falls within the 6km zone of influence of the Thames Estuary and Marshes Special Protection Area and its associated Wetland of International Importance under the Ramsar Convention (Ramsar Site).

This type of development may cause additional recreational disturbance, and likely significant effects on birds using the SPA and Ramsar sites. As such, the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) applies and the applicant will be required to make a tariff payment which is based on the net number of additional dwellings/overnight accommodation proposed. The payment is to mitigate for additional recreational effects on the designated sites. The local planning authority must ensure that adequate means are in place to secure this mitigation before first occupation.

Gravesham Borough Council must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations (CHSR) 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

A decision from the Court of Justice of the European Union (CJEU: C-323/17) has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'Appropriate Assessment' is needed under the Habitats Directive. Therefore, we advise that there is a need for the local planning authority to carry out an Appropriate Assessment as part of a Habitats Regulations Assessment (HRA).

For this type of development, it is possible to obtain an autogenerated Natural England advice letter which we have attached to the email accompanying this advice note.

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

Clague Architects (December 2025) Parameter Plan. 22628B/10. Proposed Residential Development, Istead Rise.

Clague Architects (December 2024) Proposed Site Plan. 22628B/10. Proposed Residential Development, Istead Rise.

Down to Earth (November 2025) Rose Farm, Downs Road, Istead Rise, DA13 9HG. BS 5837 Arboricultural Impact Assessment Report (AIA). Tree Protection Plan.

EPR (November 2025) Land at Rose Farm, Downs Road, Istead Rise. Outline Ecological Impact Assessment.

EPR (November 2025) Land at Rose Farm, Downs Road, Istead Rise. Breeding Bird Survey Report.

EPR (November 2025) Land at Rose Farm, Downs Road, Istead Rise. Reptile Survey Report.

EPR (November 2025) Land at Rose Farm, Downs Road, Istead Rise. Technical Note: Biodiversity Net Gain Validation Statement.

EPR (December 2025) Land at Rose Farm, Downs Road, Istead Rise. Bat Survey Report.

EPR (December 2025) Land at Rose Farm, Downs Road, Istead Rise. Habitats, Flora and Vegetation Survey Report.

Stantec (November 2025) Land at Rose Farm, Istead Rise. Illustrative Landscape Masterplan.

Woodward, A. (December 2025) Application for Outline Planning Permission with some matters reserved. PP-14468593. Gravesham Borough Council. Land at Rose Farm, Istead Rise.

Appendix 1: Suggested Condition/Informative Wording

Please note that the suggested condition/informative wording below assumes that this development will proceed in a single phase. Alternative wording will be required should the development be phased.

Biodiversity Net Gain

Deemed Condition – Single Phase – Included as an Informative

Please note that certain information is required to discharge the biodiversity gain condition. The government's published Biodiversity Gain Plan (BGP) template¹² should be submitted with the application to discharge the biodiversity gain condition. This template also indicates which other documents and plans should support the application for discharge.

If planning permission is granted, the statutory biodiversity gain condition (and its reason for imposition) should not be included on decision notices as a condition. The condition cannot be varied or removed. An application must be made to discharge it as any other condition.

We recommend an informative in line with the Planning Practice Guidance (Paragraph: 026 Reference ID: 74-026-20240214)¹² should be included on the decision notice to set out the legislative requirements in relation to biodiversity net gain.

Habitat Management and Monitoring Plan

The below condition is recommended as the scheme must set out the actions needed to create and enhance habitat on-site as well as maintain it for 30 years from the "completion of development"¹³ (Paragraph 9(3) of Schedule 7A of the Town and Country Planning Act 1990).

The "completion of development" is not defined by the Town and Country Planning Act 1990. The local planning authority may wish to agree on the meaning of "completion of development" with applicants, and include its interpretation as an informative on decision notices. The "completion of development" could be the full implementation of the permission, but it is possible that a planning permission is never fully implemented (and thereby never triggering the 30-year monitoring period); alternative interpretations could be (but are not limited to) practical completion or first occupation of the development.

Neither the statutory definition of the biodiversity gain plan¹⁴ nor the current DEFRA biodiversity gain plan template require management and maintenance measures to be

¹² [Biodiversity gain plan - GOV.UK](#)

¹³ PPG 015 Reference ID: 74-015-20240214

¹⁴ Paragraph 14(2) of Schedule 7A TCPA 1990

specified¹⁵. As a result, the statutory condition does not on its own secure compliance with the approved biodiversity gain plan (including the implementation of any habitat creation and enhancement works or their maintenance for a 30-year period). The delivery of the gain envisaged by the HMMP needs to be secured by condition or, where necessary, legal agreement.

The suggested condition wording below also includes reference to habitat retention. Retention of existing habitat cannot count as on-site significant habitat. Only created and enhanced habitats can count as on-site significant habitats. However, the retained habitats are recommended to be secured as well as the 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.

The below condition wording also includes reference to habitat management required for protected and priority species to reduce the number of documents required, and increase ease of production, review and implementation of the habitat management on-site.

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 ecological design strategy required by condition X, and that is 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 practical completion of development, and/or where habitat is required to provide protected and priority species mitigation and compensation (including breeding birds, reptiles, badgers, bats), details of maintenance measures for the lifetime of the 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

¹⁵ The DEFRA biodiversity gain plan template acknowledges a Habitat Management and Monitoring Plan (HMMP) can be annexed to the approved plan. The statutory condition does not require the HMMP to be approved even if it is attached.

HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with [local policy reference] and Schedule 7A of the Town and Country Planning Act 1990.

Monitoring Reports

To ensure the proposed biodiversity net gain is achieved, we recommend a condition for the submission of monitoring reports to the local authority to help ensure target habitats and their associated conditions are meeting their goals should planning permission be granted.

The conditions enable monitoring of the delivery of the BNG and needs to align with any monitoring fees required through S106 agreement. Monitoring fees may be required by the Local Planning Authority to enable the effective resourcing of the delivery and management of BNG.

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.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with [insert policy] and Schedule 7A of the Town and Country Planning Act 1990.

Ecological Impact Assessment Construction Ecological Management Plan

The National Planning Policy Framework (NPPF) 2026, N2: Improving the natural environment: “1. *To contribute positively to the natural environment, and support nature’s recovery, development proposals should:... f. Minimise any adverse impacts on biodiversity...*”.

We suggest that the below wording is included as a condition for a Construction Ecological Management Plan (CEMP – biodiversity) if planning permission is granted. This shall mitigate for impacts to biodiversity and help ensure compliance with relevant legislation.

We advise that the below suggested wording does not cover all aspects usually covered within a Construction Environmental Management Plan (CEMP) (such as pollution control, noise, lighting etc. during construction). Therefore, this wording should either form **part of**

any larger CEMP / Construction Management Plan (CMP) condition required or should form a **separate** stand-alone condition for a Biodiversity Method Statement.

Suggested Condition Wording:

No development shall take place (including any ground works, site or vegetation clearance) until a construction ecological management plan (CEMP - biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP – biodiversity shall include the following and be based on the Outline Ecological Impact Assessment by EPR for Land at Rose Farm, Downs Road, Istead Rise (3232-2C) and up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- *Purpose and objectives for the proposed works;*
- *The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;*
- *Detailed design(s) and/or working method(s) necessary to achieve stated objectives;*
- *Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;*
- *Reference to the relevant protected species licences (e.g., badgers and bats) to be obtained in advance of site clearance/construction and any relevant mitigation measures required;*
- *Measures to avoid and mitigate for impacts to breeding birds, badgers, reptiles, bats, great crested newts;*
- *Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;*
- *Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- *Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works; and*
- *Details of the safe disposal of any wastes for implementing measures.*

The works shall be carried out in accordance with the approved details for the duration of site/vegetation clearance and construction.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

Ecological Design Strategy

This condition should be used in conjunction with a construction ecological management plan (CEMP – biodiversity). The CEMP – biodiversity should deal with impacts during construction, whereas this condition should focus on tackling avoidance, mitigation, compensation and enhancement measures through design, including via production of detailed design plans and a landscape and ecological management and monitoring plan.

Suggested Condition Wording:

With the submission of the reserved matters application an Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority. The EDS shall include compensatory habitat for reptiles, breeding birds of conservation concern, roosting, foraging and commuting bats as well as ensure that the sett(s) identified in the EPR Badger Sett Verification Survey for Land at Rose Farm, Istead Rise 20251233 dated 3rd August 2026 are adequately buffered from impacts during construction and operation of the development. The EDS shall include integrated swift bricks in line with the BS 42021:2022 'British Standard for integral nest boxes', NPPF 2026, and Kent Local Nature Recovery Strategy. The EDS shall also be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist. The EDS shall include the following:

- Purpose and conservation objectives for the proposed works to avoid, mitigate, and compensate for impacts to protected and priority species and habitats as a result of the development and to provide a net positive for biodiversity;*
- Review of site potential and constraints;*
- Detailed design(s) to achieve stated objectives including appropriately scaled planting schedules and detailed soft landscaping plans showing the locations, makes and models of bird and bat boxes as well as all areas of retained, created and enhanced habitats. Labelled hedgehog highways shall be shown on detailed boundary treatment plans in all garden fencing on-site;*
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;*
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- Persons responsible for implementing the works;*
- Details of initial aftercare and long-term maintenance, monitoring and remedial measures shall be provided in the HMMP required by condition X.*

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

Wildlife Sensitive 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 hedgerows¹⁶. 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 2026¹⁷.

¹⁶ Bats and Artificial Lighting guidance. Available [here](#).

¹⁷ NPPF 2026 2.e. "Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature..."

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.

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.

Suggested Condition Wording:

With the submission of the reserved matters, a lighting plan(s) which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as ISO lux plan(s) showing light spill. It shall be clearly demonstrated that areas to be lit shall not impact protected species or their habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2026.