



ECOLOGICAL ADVICE SERVICE

TO: *Alison Webster*

FROM: *Emma England*

DATE: *17 June 2026*

SUBJECT: *20250992 / Land at Wrotham Rd, Meopham*

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

We have reviewed the information submitted by the applicant and advise that sufficient ecological and biodiversity net gain information will have been provided for determination if it can be confirmed that the site area, as presented in the biodiversity net gain calculations is correct. The habitat calculations for biodiversity net gain (BNG) need to accurately reflect the entire red line boundary only.

Recommended condition/informative wording is provided in Appendix 1.

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

Using the national and local guidance regarding significance, we consider that the on-site biodiversity net gain (excluding private gardens) should be treated as significant and so requires securing for 30-years.

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%	+15.08%	+12.49%	3 – significant on-site habitat proposed alongside off-site habitat compensation.	Yes

Ecological Impact Assessment

In general, detail within the Ecological Impact Assessment (EclA) is lacking and we note some severe limitations with regards to the results. We note that further information has been provided by the applicant's ecologists to justify the validity of the survey data presented.

Bats

Bats have been recorded using the boundary vegetation around the site for foraging and commuting. We note that the project ecologists have considered that the foraging and commuting habitat on-site is of 'low' suitability as they consider the habitat not very well connected to the surrounding habitat. We do not agree with this assessment. Hedgerows surrounding the site clearly connect the site to further hedgerows, parkland and woodland habitat close to the site (as shown below):



The hedgerow/woodland habitat on-site is more likely to be of at least moderate suitability for commuting and foraging bats.

Static detector surveys at the site (April, July and September) recorded common pipistrelle, soprano pipistrelle, Leisler's, noctule, Nathusius' pipistrelle, *Myotis* species, serotine and brown long-eared. The project ecologists detail that bat activity was low, although we note that activity by common pipistrelle, Leisler's and serotine appears reasonable. We further note there are records of roosts for these species relatively close to the site and it is possible that the animals from these roosts forage and commute around the site boundaries. However, the results are not presented to show a mean number of passes per night per species in each recording location per season. This makes a comparison of relative activity between sites/locations difficult¹. Additionally, no static detector was placed along the northern 'woodland' where activity appeared to be the highest on-site. We further note that some significant limitations with the results were hidden in Appendix 2 and will have resulted in an under recording of the bat activity at the site. One of the static detectors did not record any data in September, and only recorded four nights of data in July. Another static detector failed to record any data during Spring.

As some rarer bats and very light sensitive bats have been recorded on-site, as well as at least one bat roost identified, a sensitive lighting design secured by condition if planning permission is granted, should retain bat foraging and commuting opportunities around the site. We would expect dark corridors to be retained around the site boundaries as far as possible; 0.2 lux on the horizontal plane and 0.4 lux on the vertical plane, as well as sensitively designed lighting where access points disrupt vegetated corridors.

A number of trees were identified along the western and northern boundaries with bat roosting suitability. Four trees with roosting features for multiple bats were found along the northern boundary.

A small bat roost(s) of common pipistrelle has been identified along the northern site boundary during two emergence surveys of the tree line/woodland to the north of the site. The exact location of the bat roost(s) remains unknown, and surveys do not appear to have followed best practice guidelines². It is recommended that the bat roost(s) is retained and protected from the adverse effects of increased artificial lighting once detailed designs become available. Full surveys (with results and any necessary mitigations/compensations reported) in line with best practice will need to inform the reserved matters applications.

In addition, due to the survey limitations associated with trees, *"...all trees with bat-roosting potential should be considered part of a roosting resource that will be used at one time or another by tree-roosting bats" and "There should be no reduction in the roosting resource following development and preferably the roosting resource should be increased, providing enhancement. Careful and appropriate mitigation needs to be provided to ensure that the resource is sufficient and available immediately, from the outset, or other alternative methods used to ensure bats are not without a suitable resource"*³. As a result, we recommend that sufficient bat boxes be installed on trees or on or within new buildings on-site as part of the development should planning permission be granted, to compensate

¹ [Reference scales of activity | Team-Chiro; Bat Survey Guidelines 23](#)

² [Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition - Guidance for professionals - Bat Conservation Trust](#)

³ [Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition - Guidance for professionals - Bat Conservation Trust](#)

for each potential roost feature lost from the site. Sufficient bat boxes and compensatory vegetation should also be available to provide an enhancement to the site.

Birds

We understand wintering bird surveys were cut short after the use of bird scarers on-site was identified. This is considered acceptable.

The breeding bird surveys at the site were not carried out in line with best practice. We note that the justification for the use of four breeding bird surveys in lieu of six (as is currently advised⁴) has now been provided. We are satisfied with the survey effort in this instance. We note that the reinforcement of boundary vegetation could provide additional habitat for certain species that make use of the site. Measures for nesting birds to mitigate for habitat loss/disturbance and to provide additional nesting habitat should be secured by condition should planning permission be granted.

Hazel Dormice

Surveys found no hazel dormice following presence/absence checks in May, June, July, August and September. However, we are concerned with regards to the survey methodology at the site. The submitted EclA does not make clear which quality the habitat at the site was classified as based on the latest guidelines. However, the report indicates that 50 tubes (the number used for 'good' habitat) were recommended to detect dormice at the site, despite the majority of the site being classified by the project ecologists as unsuitable. We further note that only 20 tubes were actually placed on the site, although 55 tubes were placed across a main road (which will act as a barrier to dormice) on a different site. We note that tubes were not placed in the 'woodland' to the north of the site, or in woodland to the south of the site, or along the hedgerow to the west. On sites where there is poor habitat, a minimum of 100 nest tubes and 30 footprint tunnels need to be used.

We note that the project ecologists have now indicated that a hazel dormouse presence on site will be assumed following further desk study results, but that because works within suitable habitat is minor, a precautionary works method statement will be sufficient. We recommend that this is secured by condition should planning permission be granted.

Other

Surveys found no badger setts. Precautionary working practices during site clearance and construction are recommended for amphibians, reptiles, badgers. These measures should be secured by condition should planning permission be granted for this application.

We note that species of conservation concern that could make use of the site post-development were recorded on-site e.g., dunnock, song thrush and house sparrow. Suitable habitat for these species should be included in detailed plans e.g., house sparrow nest boxes and scrub.

The accepted ratio of integral nest boxes 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). This is as per BS 42021:2022.

⁴ [Survey methodology | Bird Survey Guidelines](#)

Integral swift and bat features are supported by the NPPF 2024 187(d). The adopted Local Nature Recovery Strategy⁵ supports the installation of house martin artificial nest cups, swift bricks and other nest boxes in accordance with best practice guidance such as BS 42021:2022 'British Standard for integral nest boxes'.

We recommend that each proposed dwelling should contain at least one in-built swift nesting brick, with their make, model and locations shown on the Elevations drawings. Nest boxes should be provided in accordance with BS 42021:2022 'British Standard for integral nest boxes'. Swift bricks are a 'universal' bird brick, used by a range of species. Integral nest boxes should be installed close together, e.g. two boxes located in every other house, or three in every third dwelling. Integral nest boxes need to be a minimum of 4m above ground level.

Biodiversity Net Gain

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications⁶ for development (unless exempt^{7,8}), 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 information⁹, 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:

Table 1: To show whether the applicant has met the minimum validation requirements

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	A site visit was carried out by a suitably qualified ecologist 26 th February 2025 and updated in 'summer' 2025 (3 rd and 4 th July 2025). Nevertheless, given the reported habitats we are content that these surveys have informed the habitat baseline for this application, given the site size, location and habitats reported.
Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.	Yes	The date the habitat calculations were undertaken (9 th September 2025) is proposed as the 'relevant date'. This is considered acceptable for this application.
The completed metric calculation tool showing the calculations of the pre-development biodiversity value of the		The site is 15.84 hectares in size, according to the information in the application form. The habitat area reported in the biodiversity metric calculation tool (15.75

⁵ [Kent and Medway Local Nature Recovery Strategy 2025 Part3](#)

⁶ 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.

⁷ Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)

⁸ The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (legislation.gov.uk)

⁹ 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.

onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value.		ha) does not exactly match the reported red line boundary site area as per the application form. This is a discrepancy of 900 square metres (0.09 ha). The de-minimis habitat area for a BNG exemption is 25 square metres. The local planning authority should confirm that the site size reported in the biodiversity net gain calculations is accurate and reflects the entire red line boundary. We are content with the baseline habitat classifications. We highlight to Gravesham Borough Council that the Kent and Medway Local Nature Recovery Strategy (LNRS) was published 28th November 2025. This application was received on 3rd October 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. The publication of the LNRS has occurred whilst the planning application is live, but its publication may not alter the strategic significance scores. The scores are therefore currently acceptable. Nevertheless, the strategic significance scores in the biodiversity metric calculation tool for the post-development habitats should be reviewed in advance of the deemed condition discharge¹⁰ as part of the site does fall within a very small section of the 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. We consider that the proposed habitat creation/enhancement is achievable and realistic.
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;	Yes	None reported or visible on aerial imagery (Google Earth Pro, accessed March 2026)

¹⁰ [LNRS and SS Multiplier Transition Guidance 2.pdf](#)

- 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).		None reported.
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	

The habitat baseline must be correct prior to determination, but full details of how the proposals will deliver biodiversity gains are not strictly required until submission of the pre-commencement Biodiversity Gain Plan. However, it is advisable to seek an indication prior to determination as, it gives an indication of how the biodiversity gain hierarchy will be applied, and if granted consent, the project cannot commence until this information has been submitted to and approved by the local planning authority. This information will also provide sufficient indication as to how conditions need to be applied should planning permission be granted for this application.

The government's standing advice on BNG states (under paragraph 002 Reference ID: 74-002-20240214): *"[BNG] is not just a post-permission matter. To ensure the biodiversity gain objective is met and the condition can be discharged successfully, it is important biodiversity net gain is considered throughout the planning process."*

The applicant is required by law to deliver biodiversity gains in accordance with the biodiversity gain hierarchy, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 Section 37A. The hierarchy is summarised as:

- **Avoid:** Avoiding adverse effects of the development on on-site habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than four (i.e. medium or higher);
- **Mitigate:** So far as those adverse effects cannot be avoided, mitigating those effects;
- **On-site habitat enhancements:** So far as those adverse effects cannot be mitigated, habitat enhancement of on-site habitat;
- **On-site habitat creation:** So far as there cannot be that enhancement, creation of on-site habitat;
- **Off-site:** So far as there cannot be that creation, the availability of registered offsite biodiversity gain;
- **Statutory credits:** so far as that off-site habitat enhancement cannot be secured, purchasing biodiversity credits.

Information has been submitted with this application to give confidence that the biodiversity gain hierarchy can be effectively applied to this application, and how conditions should be applied should planning consent be granted.

Off-site compensation is likely to be required for this development.

Significant on-site gains

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.

Non-significant enhancements are those whose loss will not significantly decrease the development's biodiversity value e.g., private gardens or container planting. These types of enhancements do not normally require maintenance provisions and so no Habitat Management and Monitoring Plan, legal agreement or commitment to maintain them is required.

Table 3, Appendix 2 takes elements from the national and local guidance to show how we have calculated the significance of habitats on-site.

Although highly indicative at this stage, we consider the creation of some low, medium and high distinctiveness habitats, and the enhancement of hedgerows to likely constitute significant¹¹ 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."*¹²

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.

Additionally, we recommend conditions for a habitat management and monitoring plan and monitoring reports to secure the significant on-site gains. We also recommend that the conditions secure the retention of woodland, trees and hedgerows. 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.

¹¹ 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.

¹² [Make on-site biodiversity gains as a developer - GOV.UK](#)

Off-site biodiversity gains

'Off-site' biodiversity gains are any BNG measures proposed outside of the red line boundary. It can be achieved through habitat creation on land owned by the applicant/developer (as proposed for this development), a third-party provider or through the purchase of BNG units from a habitat bank operator for a site which is registered on the Biodiversity Gain Site Register.

The statutory Biodiversity Gain Plan (BGP) must contain the biodiversity gain site register reference number for any off-site units if these are used. BNG sites must be registered here: [Register a biodiversity gain site - GOV.UK](#).

Where off-site gains are secured on land owned by the developer (but outside the redline boundary), or on third-party land (but not through a 'habitat bank operator'¹³), the biodiversity net gain needs to be subject to a deed of conservation covenants or Section 106 (as appropriate). Section 106 agreement templates are available on the Planning Advisory Service website. It is generally inappropriate to rely solely on conditions to secure off-site biodiversity net gain. The following needs to be secured as part of the off-site biodiversity net gain:

- The submission of a habitat management and monitoring plan (HMMP);
- Notice of HMMP implementation and completion of the habitat creation and enhancement works;
- Timescales for completion of habitat creation, and the submission of a completion report;
- Submission of monitoring reports;
- A habitat monitoring fee to be paid to the local planning authority on every habitat management monitoring event.

The HMMP shall be submitted when the general BNG condition is discharged and shall contain the following information ¹⁴:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works 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 created or enhanced habitat to be submitted to the local planning authority.

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

¹³ A registered BNG Habitat Bank is a site which has been registered on the Biodiversity gain site register and has a site register reference number ([Register a biodiversity gain site - GOV.UK](#)).

¹⁴ From Local Government Association

Submission of Biodiversity Gain Plan

We advise that the following information should be submitted as part of the 'deemed condition' discharge as appropriate:

- How the biodiversity gain hierarchy has been applied;
- The relevant date for the habitat baseline and reason for choosing an earlier date (if relevant);
- The completed biodiversity metric calculation tool(s) based on final detailed designs;
- Pre-development and post-development plans;
- A description of any irreplaceable habitat present on the relevant date;
- Information concerning any relevant habitat degradation;
- Any registered off-site biodiversity gain, evidence of its value and evidence that it has been allocated to the development;
- Evidence of the purchase of any biodiversity credits;
- Name and address of the person completing/submitting the Plan;
- A description of the development and planning permission reference number to which the Plan relates;
- A description of the arrangements for maintenance and monitoring of the habitat enhancement where applicable.

We advise the local planning authority that there may be conditions attached to the decision notice should planning permission be granted that are linked to the biodiversity gain plan. Wording should be included in such conditions to ensure that it is clear that any documents/plans are produced in accordance with the 'approved biodiversity gain plan'. Relevant conditions where this is likely to be appropriate include soft and hard landscaping conditions, and any other ecology/biodiversity conditions. Other relevant conditions may include drainage conditions.

Emma England **Biodiversity Officer**

This response was submitted following consideration of the following documents:

Fryer, J. (September 2025) Application for Outline Planning Permission with some matters reserved. Wrotham Road, Meopham.

Pegasus Group (July 2025) Site Boundary, Wrotham Road, Meopham.

Pegasus Group (September 2025) Parameter Plan, Wrotham Road, Meopham.

RammSanderson (September 2025) Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. Land East of Wrotham Road, Meopham.

RammSanderson (November 2025) Ecological Impact Assessment. Land East of Wrotham Road, Meopham.

RammSanderson (May 2026) Letter RE: Wrotham Road, Meopham Site A - Addressing Kent County Council Commentary (RSE_8996_L1_V1).

Tyler Grange (September 2025) Illustrative Landscape Strategy. Land East of Wrotham Road, Meopham.

Appendix 1: Suggested Condition/Informative Wording

Ecological Impact Assessment

Construction Ecological Management Plan

The National Planning Policy Framework (NPPF) 2024, paragraph 187, indicates that *“planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for 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.

Two conditions may be required for phased development.

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 Ecological Impact Assessment by RammSanderson, dated 6th November 2025 (RSE_8996_R3_V1_EcIA), RammSanderson Letter RE: Wrotham Road, Meopham Site A - Addressing Kent County Council Commentary (RSE_8996_L1_V1), dated 7th May 2026, 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 to be obtained in advance of site clearance/construction and any relevant mitigation measures required;*
- 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;*
- *Initial aftercare and reference to a long-term maintenance plan (where relevant); 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.

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 hedgerows¹⁵. 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 2024.

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.

Please note that two conditions may be required if the development is phased.

Suggested Condition Wording:

With the submission of the reserved matters application, a site-wide lighting design strategy including detailed lighting plans for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following:

- *The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes. An increase in artificial lighting shall be avoided on bat*

¹⁵ Bats and Artificial Lighting guidance. Available [here](#).

roosting, foraging and commuting habitat (e.g., along site boundaries) through careful choice of luminaires, and sufficient buffer zones;

- The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;*
- The provision of technical specifications and erection height for the external lighting;*
- An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;*
- The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and*
- Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.*

All external lighting shall be installed prior to first occupation of the development in accordance with the specifications and locations set out in the plan(s), and the approved lighting shall be maintained thereafter in accordance with the strategy.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c). With consideration for bats and other nocturnal wildlife in accordance with the NPPF 2024, paragraph 187(d).

Ecological Enhancement Features

Paragraph 187(d) of the NPPF 2024 states: *"Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs."* The updated NPPF encourages habitat features.

The adopted Local Nature Recovery Strategy⁵ supports the installation of house martin artificial nest cups, swift bricks and other nest boxes (e.g., starling boxes), measures to encourage roosting bats (e.g., bat tiles), and the creation of hedgehog highways in accordance with best practice guidance (such as BS 42021:2022 'British Standard for integral nest boxes', [Link your garden with a hedgehog highway](#) and [External ready-made & integrated bat boxes - Bat Boxes - Bat Conservation Trust](#); [Putting up your box - Bat Boxes - Bat Conservation Trust](#); [Partnership - ROOST - Bat Conservation Trust](#)).

Ecological enhancement features to support protected and priority species are in addition to the requirements of mandatory 10% biodiversity net gain.

Suggested Condition Wording:

Prior to any works above slab level, a Biodiversity Enhancement Plan(s) (BEP) shall be submitted to and approved in writing by the local planning authority. The Plan(s) shall include full details of the biodiversity habitat features, of sufficient number to offset any loss of such features and provide an ecological enhancement to the site. The Plan shall be based on up-to-date ecological survey information and shall include:

- Provision of suitably placed bat and bird boxes, with the exact numbers 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 creation of labelled hedgehog highways (by creating small 13×13cm gaps in all close board fencing, including garden fencing) to facilitate the movement of hedgehogs across the site, shown on the scaled boundary treatments plan(s) and/or the scaled detailed landscaping plan(s);*

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

Reason: To protect and enhance biodiversity in accordance with paragraphs 187 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Biodiversity Net Gain

Deemed Condition

Please note that certain information is required to discharge the biodiversity gain condition. The government's published Biodiversity Gain Plan (BGP) template¹⁶ 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.

¹⁶ [Biodiversity gain plan - GOV.UK](https://www.gov.uk/guidance/biodiversity-gain-plans)

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.

Please note that there are different requirements for the biodiversity gain plan if the development is phased. Please also note that detailed landscaping conditions may be best discharged in conjunction with the 'deemed condition' as the detailed landscaping plans will have a bearing on the achievable on-site biodiversity net gain score.

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"¹⁷ (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 plan¹⁸ nor the current DEFRA biodiversity gain plan template require management and maintenance measures to be specified¹⁹. 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.

Different condition wording is likely to be required for a phased development.

¹⁷ PPG 015 Reference ID: 74-015-20240214

¹⁸ Paragraph 14(2) of Schedule 7A TCPA 1990

¹⁹ 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.

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 detailed landscaping plans, 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 and protected and priority habitat and species mitigation and compensation;*
- 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.

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.

Implementation of the HMMP

This below condition is not a statutory requirement. The created and enhanced habitat need only be maintained for 30 years after "the completion of development." If local authorities choose to agree a meaning for "completion of development" with applicants, they may also wish to agree timeframes for the creation of the habitat creation and enhancement works. This allows local authorities to enforce against the non-compliance of the HMMP or equivalent plan.

Suggested Condition Wording:

No occupation of any dwelling built as part of the development shall take place until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and*
- a dated completion report, written by a suitably qualified ecologist and evidencing the completed habitat creation and enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with [insert local policy] 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.

Appendix 2: On-Site Significance Calculator

Table 3: On-site Significance of Habitats Calculator

Row No.	On-site Habitat	Present (Y/N)	No. of Habitat Area Units	No. of Hedge Units	Comments
1	Created habitats of medium distinctiveness	Y	9.51	N/A	Creation of other neutral grassland, planting of trees and mixed scrub.
2	Created habitats of high distinctiveness	N	-	-	-
3	Created habitats of very high distinctiveness	N	-	-	-
4	Created habitats of low distinctiveness making up many biodiversity units (BU) relative to biodiversity value pre-development	Y	10.14 (26.11%)	N/A	Local guidance indicates that low distinctiveness habitats are considered significant where, in total, created low distinctiveness units are 10% or more of the baseline BU value of the site <u>AND</u> the total number of units delivered is above 0.5. The pre-development total habitat area units are reported to be 38.83. This site would not qualify for use of the small sites metric²⁰.
5	Created habitats have increased distinctiveness compared to pre-development (e.g., modified grassland to other neutral grassland)	Y	-	-	Creation of other neutral grassland and the planting of trees in areas which are currently cropland. The unit value is accounted for above.
6	There have been enhancements proposed to the raise the distinctiveness of retained habitats.	Y	-	1.55	Proposal to increase the distinctiveness of some hedgerows from low to medium distinctiveness or from low to high distinctiveness.

²⁰ Small sites are defined as not major developments under the Town and Country Planning (Development Management Procedure) (England) Order 2015). This means:

- residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less, or if the number of dwellings is unknown, the site area is less than 0.5 hectares, or
- commercial development where floor space created is less than 1,000 square metres or total site area is less than 1 hectare, or
- development that is not the winning and working of minerals or the use of land for mineral-working deposits, or
- development that is not waste development

The statutory biodiversity metric calculation tool (SBMCT) must be used for any development which meets the definition for major development.

It is not possible to use the SSM on all sites defined as 'small sites'. The following criteria also need to be met to use the SSM:

- where only the habitats available in the SSM are present on-site. Any site containing any additional habitats (including riparian zones) not included in the SSM must use the SBMCT
- where no priority habitats are present on-site. Some hedgerows and arable field margins are excluded from the above as these are medium distinctiveness habitats and are included in the SSM
- where no statutory protected sites or habitats are present
- where no European protected species are present

7	There have been enhancements proposed to the condition of retained habitats	N	-	-	-
8	Habitat creation or enhancement of low distinctiveness habitats or higher is significant in area relative to size of development (excluding individual trees and vertical habitats).	Y	-	-	Site is 15.75ha and relevant habitat creation/enhancement is across 6.20ha (39.37% of the site). The unit values are accounted for above. This site would not qualify for use of the small sites metric.
Total biodiversity habitat units (BU) delivered by relevant creation/enhancement action: 21.2					
The above table indicates that the on-site habitat is considered significant because of the enhancement of hedgerows and the creation of some low, medium and high distinctiveness habitats.					

* National guidance indicates that significant enhancements contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development e.g.,:

- o Habitats of medium or higher distinctiveness in the biodiversity metric;
- o Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development;
- o Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development;
- o Areas of habitat creation or enhancement which are significant in area relative to the size of the development;
- o Enhancements to habitat condition.

** In Kent, guidance indicates that the delivery of above 0.5 (total) relevant biodiversity units is considered the threshold for on-site significance for created or enhanced habitats.

*** Private gardens and container planting are not considered significant enhancements in national guidance and have not been included in the above table.

**** Cropland habitats (except arable field margins, and winter stubble where providing mitigation/compensation for wintering birds), Rhododendron scrub, introduced shrub and culverts cannot be considered significant enhancements in local guidance and have not been included in the above table.