



ECOLOGICAL ADVICE SERVICE

TO: *Amanda Cue*

FROM: *Philippa Bromley*

DATE: *09 December 2025*

SUBJECT: *20250942: Bocoda Hill Farm House, 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: ADDITIONAL INFORMATION REQUIRED

We have reviewed the information submitted in support of this application and advise that insufficient ecological information has been provided to determine the application. The following information is required prior to determination:

- A simple Ecological Impact Assessment (EcIA)
- Biodiversity Net Gain clarification

This planning application is for the conversion of the existing stables block to a dwelling with residential garden. The existing hay store extensions on the south side of the stable block will be removed, and stud wall relocation and roof works will be undertaken.

Ecological Impact Assessment (EcIA)

No ecological information has been submitted with this application. As a result of reviewing the data available to us and the information submitted with the planning application, we advise that further information is sought from the applicant with regard to the potential for ecological impacts to arise.

Habitats and features (including timber stable block, existing hedgerows and mature trees, and grassland areas) are present on and around the site, indicating ecological value and the potential for protected and priority species presence (such as roosting, foraging and

commuting bats, nesting birds, great crested newts, reptiles and hedgehogs) that must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EcIA) should be undertaken by a suitably qualified ecologist.

The EcIA will need to include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any necessary additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

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

Under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 through 195 of the NPPF 2024, biodiversity should be maintained and enhanced through the planning system.

Biodiversity Net Gain (BNG)

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.

The applicant has claimed two exemptions from BNG: de-minimis and self-build.

On review of the information submitted to support the de-minimis exemption, it is not clear that this exemption applies as habitat changes are set to occur within the red line boundary, including the conversion of ‘overgrown’ areas to grassland. The de-minimis exemption will not apply where proposals will result in the loss/degradation of over 25m² and/or 5 linear metres of onsite habitat that has biodiversity value greater than zero (hardstanding, buildings and artificial unvegetated surfaces have biodiversity values of zero).

The ‘overgrown’ areas are likely to have a biodiversity value above zero. The proposed site plan indicates changes to habitats on-site that will likely result in the loss of more than 25m² and/or 5 linear metres of onsite habitat that has a biodiversity value greater than zero.

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)

If the self-build exemption applies to this development, then it is irrelevant whether the de-minimis exemption applies.

For the self-build exemption to apply, the proposals must:

- consist of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

It is not within our remit to verify that the proposed dwelling(s) meet the definition of self-build or custom housebuilding as defined in the 2015 Act. The LPA should therefore ensure that the proposals meet the definition and that a mandatory 10% biodiversity net gain does not apply.

Government guidance on self-build and custom housebuilding indicates that “[*in* considering whether a home is self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout ... Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing”.

A recent appeal decision⁴ indicates that a “*suitably robust mechanism such as a planning obligation/legal agreement or other means*” is necessary to properly secure a development as self-build and to prevent it reverting to an open market dwelling where a mandatory 10% biodiversity net gain would otherwise apply.

If it is found that the self-build exemption does not apply, further information should be provided to verify that the de-minimis exemption or another exemption from mandatory 10% BNG does apply. If there is no valid exemption from mandatory 10% BNG, the following information shall need to be provided prior to determination of this application:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- 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;
- 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:

⁴ APP/P4415/W/24/3356246 - 38 Goose Lane, Wickersley, Rotherham, S66 1JS.

- 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;
- 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); and
- 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).

Whilst a full metric demonstrating a 10% net gain is not required for validation or determination of a planning 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.*"

To this end, it is therefore good practice to submit (in addition to the above):

- An illustrative on-site soft landscaping plan and outline landscape and ecological management plan/habitat management and monitoring plan that has been taken into account within the biodiversity metric calculation tool;
- Clear consideration of the principle of additionality within the biodiversity metric calculation tool;
- A biodiversity net gain design stage report clearly setting out how the biodiversity gain hierarchy has been applied and describing any significant on-site enhancements;
- If off-site biodiversity net gain provision is required, as a minimum, the need should be reported, with relevant necessary compensatory habitats discussed in a biodiversity net gain design stage report, and information provided regarding discussions with off-site providers; and
- A draft biodiversity gain plan.

Philippa Bromley
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Existing Site Plan (Jeremy Isherwood, June 2025)
- Proposed Site Plan (Jeremy Isherwood, June 2025)
- Proposed Stables Block Conversion to Dwelling Plan (Jeremy Isherwood, June 2025)
- Planning Statement (Jeremy Isherwood, August 2025)
- OS Plan (Jeremy Isherwood, June 2025)