



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher

FROM: Emma England

DATE: 12 June 2025

SUBJECT: 20250479 / Open Space St Albans Close

The following is provided by Kent County Council's Ecological Advice Service (KCC EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the county council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application and if sufficient/appropriate ecological information has been provided.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the planning officer, who will seek input from the EAS where appropriate and necessary.

SUMMARY: SUFFICIENT INFORMATION

We have reviewed the information submitted by the applicant and advise that sufficient biodiversity net gain information has been provided for determination. Recommended condition/informative wording is provided in Appendix 1.

We consider a significant on-site biodiversity net gain to be proposed for this development. However, due to the location, size and type of habitats proposed we do not consider it proportionate to recommend the local planning authority to charge monitoring fees for the submission and approval of monitoring reports with regards to the habitat creation on-site. However, we do consider that the habitat should be secured for 30 years, and that it is appropriate that a condition be imposed if planning permission is granted for the production of a habitat management and monitoring plan (HMMP).

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

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). Significant on-site gains, and all off-site gains will need to be secured for at least 30 years.

Where required, the Statutory Biodiversity Metric will need to be used to demonstrate a minimum 10% biodiversity net gain prior to commencement of any development. Local policy may require a higher level of net gain.

Having reviewed submitted information, 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 tables 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	No site visit was undertaken to assess the biodiversity baseline value. This is not best practice and we do not recommend this approach. The project ecologists claim to have taken a precautionary approach by putting the habitat as modified grassland in moderate condition. As the site would qualify for the use of the small sites metric which would have set the condition of the habitat as moderate, and given the simple habitats present on-site, we accept this approach. The biodiversity calculations were carried out in April 2025.
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.	Yes	The site is 1510 square metres (0.151 hectares) in size, according to the information in the application form. The habitat area reported in the biodiversity metric calculation tool closely matches (0.16 ha) the reported red line boundary site area as per the application form. This small discrepancy is considered acceptable. We are content with the baseline habitat classifications and the post-development habitats are considered achievable and realistic.

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 \(legislation.gov.uk\)](#)

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; • the completed metric calculation tool showing the calculations, and • any available supporting evidence of this.	Yes	None reported or visible on aerial imagery.
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	

Table 2: To show a summary of our review of submitted 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)	Off-site Compensation Required (Yes/No)
10%	+12.75%	N/A	1 – all on-site	Yes	No

The total number of biodiversity habitat units (including insignificant units) proposed for delivery is 0.72.

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

Table 3 takes elements from the national and local guidance to show how we have calculated the significance of habitats on-site. In Kent, guidance indicates that habitat delivery on-site over 0.5 units (excluding private gardens) should be considered significant on-site biodiversity net gain.

Table 3: On-site Significance of Habitats Calculator

1		2		3		4	
Retained/created habitats - medium distinctiveness or higher. (Y/N)	No. of BU.	Created habitats - low distinctiveness but making many BU relative to biodiversity value pre-development. (Y/N and pre-development total BU.)	No. of BU.	Created habitats - higher distinctiveness than pre-development or enhancements to condition proposed of retained habitats. (Y/N)	No. of BU.	Habitat creation/enhancement of low distinctiveness or higher (excluding individual trees, green walls, intertidal hard structures) is significant in area relative to size of development. (Y/N and comments)	No. of BU.
Y	0.53	N - 0.64	0.19	Y	0.53	Y - Site is 0.16ha and relevant habitat creation/enhancement is across 0.11ha (68.75% of the site)	0.51
Total biodiversity habitat units (BU) delivered by relevant creation/enhancement action (sum of columns 1 and 2): 0.72							

* 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 biodiversity units is considered the threshold for on-site significance.

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

North Kent Sites

The development includes proposals for new dwellings within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Special Protection Area and its associated Wetland of International Importance under the Ramsar Convention (Ramsar Site).

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 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

Gravesham Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application.

The local planning authority (the "Competent Authority") must consult with and take into consideration Natural England's advice in determining the application. The local planning

authority also needs to be confident that proposals will not adversely affect these sites in line with the NPPF 2024⁴.

The responsibility for carrying out a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment lies with the Competent Authority, Gravesham Borough Council.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

Biodiversity Net Gain Assessment (Ref: 17906_R01_JW) dated 14th April 2025 and prepared by Tyler Grange.

⁴ “When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

Appendix 1 – Condition/Informative Wording

Biodiversity Net Gain

Deemed Condition

If planning permission is granted, the statutory biodiversity gain condition (and its reason for imposition) should not be included on decision notices. Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the biodiversity net gain information which needs to be included on non-exempted decision notices. The Planning Practice Guidance (Paragraph: 026 Reference ID: 74-026-20240214)⁵ provides a link to a document with [suggested paragraphs for Biodiversity Gain Information](#) to fulfil these requirements.

Biodiversity Gain Plan

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment (Ref: 17906_R01_JW) dated 14th April 2025 and prepared by Tyler Grange.

This condition is not a statutory requirement but unless imposed there would be no requirement that the Biodiversity Gain Plan submitted for approval to be in accordance with any biodiversity or ecological information submitted with the planning application.

Habitat Management and Monitoring Plan

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

- (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.*

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

⁵ [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain)