



ECOLOGICAL ADVICE SERVICE

TO: *Amanda Cue*

FROM: *Hannah Simmons*

DATE: *02 March 2026*

SUBJECT: *20251290 / Land Btw Adj To 2 Gore Green Cottages, Higham*

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

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

SUMMARY – SUFFICIENT INFORMATION

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

Precautionary Mitigation

No reptiles were recorded during the surveys. We advise that we are satisfied that no specific reptile mitigation is required for the site.

We are satisfied that the precautionary mitigation set out in the Preliminary Ecological Appraisal (PEA) will be suitable for breeding birds and hedgehogs (Section 4.5 and 4.9). We advise that the applicant follow the precautionary mitigations set out in section 4 of the PEA and advise that if planning permission is granted, a condition is included to secure those precautionary measures in a Construction Environmental Management Plan (CEMP). We have not provided suggested condition wording as we feel Gravesham Borough Council would be best placed to write that condition. We suggest that the following bullet point is included in the condition wording:

- *Inclusion of section 4.5 and 4.9 of the Preliminary Ecological Appraisal (KB Ecology Ltd. 22 August 2025), which covers the precautionary measures for Breeding Birds and hedgehogs.*

Designated Sites

The application site falls within the 6km zone of influence of the Thames Estuary and Marshes Special Protection Area, Medway Estuary and Marshes Special Protection Area and their associated Wetland(s) 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.

Choose an item. 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).

Biodiversity Net Gain

The applicant considers the proposals to be exempt from statutory biodiversity net gain under the self-build exemption. For this 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 decision¹ indicates that a *"suitably robust mechanism such as a planning obligation/legal agreement or other means"* is necessary to properly secure a development

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

as self-build and to prevent it reverting to an open market dwelling where a mandatory 10% biodiversity net gain would otherwise apply.

Ecological Enhancements

The proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting, including the landscaping proposed in the Design and Access statement, and the installation of integrated bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of planning permission, if granted. This is in accordance with Paragraph 193 of the NPPF that “*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity*”.

Suggested Condition Wording:

Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The Plan shall include full details of the biodiversity enhancements to be implemented on-site. The Plan shall include:

- A detailed, scaled soft landscaping plan, planting schedule and relevant habitat management measures;*
- Provision of suitably placed bat and/or bird boxes, with the exact locations, make and model and height from ground level shown on scaled plans suitable for construction. In the case of building mounted boxes, scaled elevation plans shall be provided. Boxes for breeding birds shall be targeted at S41 priority species and/or red/amber listed species as listed within the latest British Trust for Ornithology Birds of Conservation Concern report. Boxes shall be building integrated and/or constructed of woodcrete to ensure durability;*
- The creation of labelled hedgehog highways (by creating small 13×13cm gaps in close board fencing if being used) to facilitate the movement of hedgehogs across the site;*
- The provision of bee bricks and/or the provision of log piles/artificial refugia for reptiles and amphibians. The exact locations, make and model, height from ground level, size and construction materials shall be shown on scaled plans suitable for construction.*

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

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

Hannah Simmons
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal. KB Ecology Ltd. 22 August 2025
- Reptile Survey Report. KB Ecology Ltd. 2 October 2025
- Design and Access Statement.