



ECOLOGICAL ADVICE SERVICE

TO: Amanda Cue

FROM: Emma England

DATE: 23 September 2025

SUBJECT: 20250143 / Land W of Ridge Lane, 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

As the application is retrospective, a mandatory 10% biodiversity net gain does not apply to this application. However, the local planning authority can still pursue a quantitative biodiversity net gain of unspecified percentage and/or qualitative biodiversity net gains under planning policy. Further, more detailed comments are provided below.

Ecological Impact Assessment

Submitted information, and a desk-based review indicates that due to habitat clearance having already occurred, any impacts to protected and/or priority species will already have occurred. As such, ecological surveys are likely to be of limited value.

Including bat and or bird boxes on-site, where suitable locations exist, may provide a measure of compensation for any lost habitat, and/or potentially an enhancement on-site. Habitat features could be secured by condition if planning permission is granted for this application. We can provide suggested condition wording on request.

Lighting of the adjacent, remaining woodland should be avoided and could be secured by condition if planning permission is granted for this application. We can provide suggested condition wording on request.

Biodiversity Net Gain

If this application was not retrospective, it would have fallen under the requirements of mandatory 10% biodiversity net gain. However, The Town and Country Planning (Development Management Procedure) (England) Order 2015) states "*an application for planning permission must ... except where the application is made pursuant to ... section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act ... be accompanied, whether electronically or otherwise, by ... the following information relating to the biodiversity gain condition ... [then it lists all the information that is required as part of mandatory Biodiversity Net Gain].*"

The Planning Advisory Service (PAS) indicates that BNG for retrospective permissions will be brought in as a second phase of the implementation of BNG. Retrospective permissions require a slightly different framework because a pre-commencement condition cannot be applied as the development has already been commenced. This is why retrospective permissions are effectively exempt for the time being¹.

As such, mandatory 10% biodiversity net gain does not apply to this application. However, a biodiversity net gain of unspecified percentage could still apply to this application under planning policy and be secured by condition should planning permission be granted.

Aerial imagery from May 2018, shows the site to be wooded or mostly wooded. The site is still designated as a priority habitat for conservation, 'deciduous woodland' on the government's mapping service: MAGIC.gov.uk. Habitats of principal importance for conservation, otherwise known as priority habitats, are listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Paragraph 84 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005² states that "...*potential effects of a development, on habitats or species listed as priorities... are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions*".

Clearance of such habitats should be avoided, or if impacts cannot be avoided, at least mitigated/compensated for within proposals. Such avoidance, mitigation and compensation measures are usually outlined prior to determination of a planning application in line with paragraph 84 of the ODPM 06/2005.

By April 2020 tree clearance is visible, along with some development works. Development on the site since this time will have certainly resulted in a biodiversity loss. If the

¹ [BNG Applications - Topics, Discussion & FAQs | Local Government Association](#)

² [odpm-circ-0605.qxd \(publishing.service.gov.uk\)](#)

unauthorised clearance happened after 30th January 2020, a pre-clearance baseline would have to be used if mandatory 10% biodiversity net gain had applied to this application. A mandatory 10% biodiversity net gain would not require that an earlier baseline be used if clearance happened before 30th January 2020. It would likely be helpful to establish the date of the habitat clearance, and agree a date for the habitat baseline, if the local planning authority wishes to pursue a policy driven biodiversity net gain for the site under the NPPF 2024³, paragraph 193(d): “...*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 or enhance public access to nature where this is appropriate.*” The planning statement indicates that unauthorised stables have been on-site since the “*beginning of 2020*”.

If the local planning authority wishes to pursue a quantitative biodiversity net gain for this application, the latest version of the Statutory Biodiversity Metric should be used to demonstrate a biodiversity net gain of at least 1% for this development. The following information should be sought prior to determination if pursuing a quantitative biodiversity net gain:

- The precautionary pre-development biodiversity value(s) prior to habitat degradation on-site;
- [the completed metric calculation tool](#) showing the calculations of the pre-development biodiversity value of the onsite habitat prior to habitat degradation, including the publication date of the biodiversity metric used to calculate that value;
- 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);
- An indication of how a measurable biodiversity net gain could be achieved on or off-site.

If quantitative biodiversity net gain is not pursued by the local planning authority, we recommend that a condition for a qualitative biodiversity enhancement plan be attached to the decision notice should planning permission be granted for this application. We can assist with suitable wording on request. Relevant planning policy includes the following from the local plan:

“Policy CS12: Green Infrastructure...”

5.7.23 Sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special

³ This is generally taken to mean that local planning authorities may reasonably request a 1% biodiversity net gain for applications which are otherwise exempt from statutory BNG, as upheld in previous appeal decisions (APP/Y3940/W/21/3278256, APP/Y3940/Q/21/3278923, APP/Y3940/W/21/3282365) which have clarified that:

- “Paragraph 174 [now 193] of the Framework [encourages applicants to], ... seek a net gain in biodiversity without identifying a specific percentage...”
- The relevant Core Strategy may “...seek a net gain in biodiversity without identifying a specific percentage...”; and
- “A net gain of just 1% would be policy compliant...”

Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity.

5.7.24 There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.

5.7.25 Where a negative impact on protected or priority habitats/species cannot be avoided on development sites and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on the site or off-site, including measures for ongoing maintenance...”

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:

SJM Planning (February 2025) Location and Block Plans. Land West of Ridge Lane, Meopham.

SJM Planning (February 2025) Planning Statement. Land on the western side of Ridge Lane, Meopham.