



ECOLOGICAL ADVICE SERVICE

TO: Gary Edwards

FROM: Helen Forster

DATE: 14 November 2025

SUBJECT: East Court Farm Church Lane Gravesend 20250558

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.

We have reviewed the information submitted and we advise that additional information is required prior to determination regarding reptiles and the impact on the South Thames Estuary and Marshes SSSI and the Thames Estuary and Marshes SPA and Ramsar.

Protected/Notable Species

We have reviewed the submitted ecological information and it has detailed that the site has potential for foraging/commuting bats, reptiles, GCN, badgers and breeding birds.

The report has detailed with the exception of GCN a precautionary mitigation approach is implemented to avoid a breach of wildlife legislation. We advise that we have concerns with this approach regarding reptiles as no information has been provided demonstrating where the reptiles will be moved in to. The retained habitat is areas of scrub which may not provide sufficient habitat to retain any reptiles moved in to those areas. We advise that additional information is required addressing this point.

The GCN assessment has recommended that the application uses the District Level Licensing (DLL), a strategic mitigation scheme, which requires a conservation payment to remove the need for on-site survey, mitigation and compensation. The use of DLL is restricted to areas defined as green or amber risk zones⁸ for GCN presence⁹.

Therefore we recommend that the following is required prior to determination:

- A countersigned and dated¹⁰ DLL impact assessment and conservation payment certificate (IACPC). The IACPC would need to show the site address matches that of the planning application, and that the boundaries of the IACPC are the same^{11,12}.

Once a suitable IACPC has been received, details of the full district level licence must be included within the construction management plan if planning permission is granted.

Biodiversity Net Gain

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, no off-site compensation required; 2 – on-site habitat (non-significant) and off-site compensation required; 3 - on-site habitat (significant) and off-site compensation required	On-site 'significant' Net Gains Proposed (Yes/No)
10%	3.71% gain	N/A	All on site	Yes

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications⁵⁸ for development (unless exempt^{59,60}), 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 information⁶¹, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.

Any application which is required to achieve a 10% BNG must submit the following information as a minimum¹:

1. confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
2. the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);
3. where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
4. [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;
5. 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. a statement to the effect that these activities have been carried out;

¹ <https://www.gov.uk/guidance/biodiversity-net-gain#para11>

- b. the date immediately before these activities were carried out;
 - c. the pre-development biodiversity value of the onsite habitat on this date;
 - d. the completed metric calculation tool showing the calculations, and
 - e. any available supporting evidence of this;
6. 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
7. 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).

We have reviewed the submitted information and we are satisfied that sufficient information has been submitted to meet the requirements for mandatory net gain.

The submitted metric has detailed that the proposed development based on the submitted landscaping plan can not achieve a BNG of over 10% for habitats. However the report has made a number of recommendations to achieve a 10% BNG and has detailed the following:

To achieve a 10% net gain in biodiversity and satisfy the trading rules, additional scrub creation and tree planting could take place onsite. This includes an additional 0.016 ha of moderate condition mixed scrub creation, to provide a biodiversity uplift of 0.12 habitat units and satisfy the trading rules for medium distinctiveness habitats. Planting an additional twelve small trees onsite expected to reach moderate condition, further to the existing seventeen trees onsite, would provide a biodiversity uplift of 0.15 habitat units. The combined habitat creation measures would provide a total net change of 10.12% (0.42 habitat units) and satisfy the trading rules, based on the current landscaping proposals.

We advise that this may not achieve a BNG of over 10% as the area proposed for moderate condition scrub creation is currently already moderate condition scrub and therefore the proposed habitat creation could not occur. However the retention of the area of scrub would mean that less habitat creation is required to achieve the BNG of over 10% and it could be achieved on site.

We advise that details of the proposed habitat creation are not required prior to determination and therefore does not need to be addressed as part of this consultation. We advise that confirmation of the on site habitat creation, enhancement or retention must be provided within the biodiversity gain plan.

However we highlight that any changes to the proposed habitat creation, enhancement or retention will have to be reflected within the landscaping plan. Therefore we would advise that if planning permission is granted there is a need for a **condition** requiring a review/ update of the landscaping plan to be submitted with the biodiversity gain plan.

If the habitat creation/enhancement on site cannot achieve a 10% BNG for off site habitat creation will be required to achieve a BNG either through habitat creation within the applicants landholdings (if there is any) or the purchasing of off site units Further details of

off site habitat creation can be found at the end of the report. We advise that it will be possible to purchase off site units to achieve a BNG as part of this proposal and we direct the applicant towards the Kent Biodiversity Net Gain Site Register for off site habitat providers in Kent [Kent Biodiversity Net Gain Site Register | Making Space For Nature Kent](#).

Details of any off site habitat creation must be included within the biodiversity gain plan and demonstrated that it has been registered on the biodiversity gain site register. [Search the biodiversity gain sites register - GOV.UK](#)

Shadow Habitat Regulations Assessment

The proposal is located within 200m of the South Thames Estuary and Marshes SSSI and the Thames Estuary and Marshes SPA and Ramsar and the field to the north of the site may provide functionally linked land. Functionally linked land is land not within the designated site but supports species which are found associated with the designated sites.

Therefore we advise that additional information is provided to enable GBC carry out a habitat regulations assessment. The submitted information detailed that other than recreational pressure the proposal is unlikely to impact the designated site however no consideration has been given to the potential for the habitat to the north being functionally linked land.

The additional information must assess the impact the proposal will have on the designated sites (both operational and construction). We highlight that this may require wintering bird surveys to be carried out as part of the application to assess whether the proposal will have an impact.

The development includes proposals for holiday accommodation within the zone of influence (6km) of the Thames Estuary and Marshes Special Protection Area, and its associated Wetland(s) of International Importance under the Ramsar Convention (Ramsar Site). therefore if the proposal will be operational between October and March there will be a 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.

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

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal; United Environmental Services; May 2025
- GCN Impact Assessment; UES; August 2025
- Biodiversity Net Gain – Biodiversity Statement; UES; September 2025

OFF-SITE GAINS (NEEDS TO BE REGISTERED)

'Off-site' biodiversity gains are any BNG measures proposed outside of the red line boundary. The statutory Biodiversity Gain Plan (BGP) must contain the biodiversity gain site register reference number for any offsite units if these are used. BNG sites must be registered here: [Register a biodiversity gain site - GOV.UK](#).

If off-site habitat creation is required, we direct the applicant towards the Kent Biodiversity Net Gain Site Register⁶⁹ available on the Making Space for Nature in Kent and Medway website. Biodiversity Net Gain Guidance for Kent is also available on this website.

If any off-site habitat creation/enhancement is proposed outside of the LPA boundary/National Character Area of the impact site these will be subject to spatial risk penalties.

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'⁷⁰), 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 a monitoring report;*
- 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 ⁷¹:

- (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.

Where off-site gains are to be secured through a 'habitat bank operator' (which has its own legal agreement and HMMP), no additional conditions or section 106 obligations are required, above a condition requiring biodiversity net gain to be delivered as set out in the planning application.

The submission of provisional/draft legal documents outlining the agreement between the applicant and the provider of any off-site gains are advisable prior to determination to

confirm that the proposed route to delivering net gain is feasible, but this information is not required until submission of the pre-commencement Biodiversity Gain Plan.