



ECOLOGICAL ADVICE SERVICE

TO: Adeoye Lawal
FROM: Emma England
DATE: 11 June 2026
SUBJECT: 20251233 / Land at Rose Farm, Istead Rise

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.

N.B.: This advice note contains sensitive information pertaining to the location of a badger sett. Any information relating to badgers and their setts should be redacted for the public register.

SUMMARY: ADDITIONAL INFORMATION REQUIRED

Since our previous advice note, the project ecologists have provided a rebuttal to our previous comments and an updated Ecological Impact Assessment (EclA).

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:

- Robust justification for the removal of a veteran tree from the site and lack of suitable buffer zones for retained veteran trees;
- Avoidance, mitigation and compensation measures in relation to the loss of breeding bird habitat;
- Further survey information and any necessary avoidance, mitigation and compensation measures in relation to bat and trees in line with current professional guidelines;

- Further survey information regarding the extent of the badger sett, number of entrances, type of badger sett and its current activity levels, is required prior to determination of this application;
- Further information regarding avoidance, mitigation and compensation measures for a low population of reptiles that may be making use of the site, or updated surveys fully in line with current guidelines.

We cannot see comments from a tree officer for this application, and we would recommend that the views of a tree officer are also sought.

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), 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 information⁴, 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 table to aid the local planning authority in ascertaining whether sufficient BNG information has been submitted:

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)

⁴ References to the biodiversity value of any habitat or habitat enhancement within this section of the advice note refer to the value as calculated in accordance with the biodiversity metric.

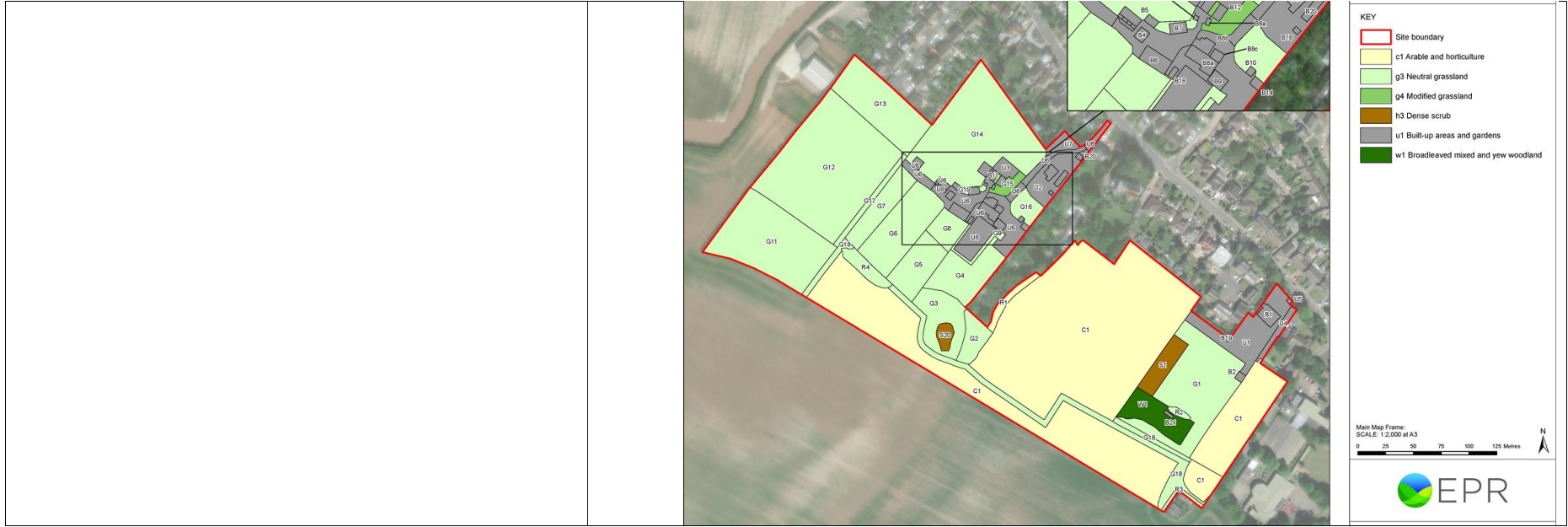
Table 1: To show whether the applicant has met the minimum validation requirements, and expected standards according to government standing advice

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	Site visits were carried out by a suitably qualified ecologist on 18th March, 9th June, 2nd July, 12th July, 13th July and 6th October 2025. This is considered acceptable to inform the habitat baseline for this application given the site size, location and habitats reported. The date the biodiversity value was calculated has been given as 9th June 2025. The reason provided in the application is that this is the date the baseline survey was carried out. However, we note that botanical survey extended into October 2025. We therefore consider that the 'relevant date' should be taken to be no earlier than 6th October 2025. The biodiversity metric calculations were made 18th November 2025 and we suggest that this be made the 'relevant date' for this application when the Biodiversity Gain Plan is submitted for discharge should planning permission be granted for this application.
Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.	Yes	We suggest that the 18 th November 2025 be used as the 'relevant date' for this application.
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.		The site is 9.6 hectares in size, according to the information in the application form. The habitat area reported in the biodiversity metric calculation tool (9.57 ha) closely matches the reported red line boundary site area as per the application form. We are content with the baseline habitat classifications. Commentary on post-development habitats is provided below this table. We highlight to Gravesham Borough Council that the Kent and Medway Local Nature Recovery Strategy (LNRS) was published 28th November 2025. The LNRS was published after the 'relevant date'. As the LNRS was published after the relevant date, the 'pre-development' biodiversity value does not need to be updated. As the publication of the LNRS has occurred whilst the planning application is live, and as its publication could affect the post-development strategic significance score, the strategic significance scores in the biodiversity metric calculation tool for the post-

	development habitats will need to be reviewed in advance of the deemed condition discharge⁵. The habitat creation/enhancement strategic significance scoring will need to reflect the published LNRS. The strategic significance score can be determined through use of the Local Habitat Map, available here: Local Nature Recovery Strategy mapping portal Making Space For Nature Kent, with guidance on its use available here: How to use the online mapping tool Kent and Medway Local Nature Recovery Strategy. A guidance document on how to apply strategic significance is available here: The-role-of-Kent-Medways-Local-Nature-Recovery-Strategy-in-Biodiversity-Net-Gain-Strategic-Significance-.pdf. As a general note we point out that there is inconsistency in the tree numbering between reports. This should be reviewed and corrected so it is very clear which trees are being referred to in the reports. We note that three trees are classified as veteran fruit trees and irreplaceable habitat. These trees should be prioritised for retention. We note that the biodiversity net gain validation statement indicates that these trees: T61, T89 and T90 will be removed. However, whilst the arboricultural impact assessment lists T90 for removal, T61 and T89 appear to be being retained and lie within the open space identified within the parameter plan. We would recommend that a commitment be made at this stage regarding the retention of irreplaceable habitats that is reflected within the biodiversity net gain calculations. We would also recommend that robust justification be provided for why all the irreplaceable habitat on-site cannot be retained. We remind Gravesham Borough Council that any loss of irreplaceable habitat is to be considered under the NPPF 2024, paragraph 193(c), which states: <i>“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”</i>. Further commentary on veteran trees is provided under the heading ‘Veteran Trees’ below this table. We note that the following trees have been identified within the ecological information to be of ecological value: T17, T29, T32, T33, T34, T36 and G16 (Former Elmlands Shaw Trees) and T59. However, we also note that some of these trees have been identified for removal (G16, T17, T19, T21, T22, T18, T25) and we request further information
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⁵ [LNRS and SS Multiplier Transition Guidance 2.pdf](#); [LNRS & Strategic Significance Multiplier Transition | Local Government Association](#)

		regarding why these ecologically valuable trees cannot be retained within designs. We understand from the project arboricultural consultant that that G16 contains mature ash trees with ash dieback along with some younger trees. We understand that these trees need to be removed to assist the design and permit the principal access road to link the east and west of the site. We understand, that similarly, T18, T19, T21, T22 and T25 also require removal to assist the layout and link the east and west of the site. We understand that these trees have been selected for removal to allow retention of more valuable trees in terms of amenity value. T17 was not mentioned in the latest response. We consider that input from an arboricultural officer would be of value to Gravesham Borough Council.
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 ('<u>degradation</u>'), 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 (Google Earth Pro, accessed April 2026)
A description of any <u>irreplaceable habitat</u> (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).	Yes	Any irreplaceable habitats that are removed will need appropriate bespoke compensation. However, the irreplaceable habitats should be prioritised for retention before considering compensation options. Where compensation is going to be required the need for the removal of the habitats will need to be clearly and robustly justified. No such justification has been provided in the submission material.
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	Available within the Ecological Impact Assessment.



Veteran Trees

In our previous response we noted that three on-site trees had been classified as veteran fruit trees and irreplaceable habitat within the biodiversity metric calculations. The project ecologists had considered the trees to meet the definition of veteran trees within The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, but not the definition within the National Planning Policy Framework 2024.

The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 define ancient and veteran trees⁶ as follows:

“Ancient and veteran trees can be found as individual trees or collections of trees in any setting.

Ancient trees have passed beyond maturity into an ancient life stage or are old in comparison with other trees of the same species which exhibit one or more of the following—

(i) demonstrably great age relative to others of the same species

(ii) changes to their crown and trunk development indicative of the ancient life stage

Veteran trees are mature trees that share physical and other characteristics in common with ancient trees, due to their life or environment, but are neither developmentally nor chronologically ancient. All ancient trees are veteran trees, but not all veteran trees are ancient. Veteran and ancient trees which have died are still recognised as such because they retain significant biodiversity value for many decades.

Veteran trees exhibit one or more of the following—

(i) significant decay features such as deadwood, hollowing or signs of advanced decay in the trunk or major limbs

(ii) a large girth, depending on and relative to species, site and management history

(iii) a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates”.

The NPPF 2024 includes the following text and definitions:

Paragraph 193(c): *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.*

“Ancient or veteran tree: *A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage”.*

⁶ [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)

“Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen”.

The project ecologists have stated the following: “The KCC EAS response attaches considerable weight to the substantial policy protection afforded by paragraph 193c of the NPPF to “irreplaceable habitats (such as ancient woodland and ancient or veteran trees)”. It is important to note, however, that there is a material distinction between the protections and definitions respectively applied to ‘veteran’ trees by the NPPF and by the Biodiversity Gain Regulations.

The protections afforded by paragraph 193c of the NPPF are directed at trees which, in view of their “age, size, and condition” are of “exceptional biodiversity, cultural or heritage value”. By contrast, the Biodiversity Gain Regulations define veteran status as applying to trees which exhibit one or more of the following characteristics:

- “significant decay features such as deadwood, hollowing or signs of advanced decay in the trunk or major limbs
- a large girth, depending on and relative to species, site and management history
- a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates.”

Whereas paragraph 193c is therefore concerned with trees of exceptional value, the definition applied by the Biodiversity Gain Regulations extends to trees that include relatively commonplace old growth characteristics.

As is clearly stated in the BNG Validation Statement, the Outline EclA, and the Habitats, Flora and Vegetation Survey Report, the three on-site ‘BNG veteran’ trees are not considered to constitute ‘NPPF veterans’ when assessed against the respectively applicable NPPF criteria and with reference to BS 5837:2012. They are small (4-6m tall), post-mature trees of naturally short-lived orchard species, and not meritorious of the additional policy protection afforded by the NPPF to trees of ‘exceptional value’.

The BNG Validation Statement presents suitable proposals to compensate for the loss of these ‘BNG veterans’ (of which it is now understood that only T90 is proposed for removal), including the retention of deadwood and the creation of new traditional orchard habitat”.

Despite the above argument, the Gov.UK guidance on irreplaceable habitat⁷ does not appear to make a distinction between habitats defined as irreplaceable under the [Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#) and the NPPF 2024. Indeed, the webpage includes the following text:

“See the definition and full list of irreplaceable habitat for BNG in the [Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#).

Development on irreplaceable habitat

You will only get planning permission for development that results in loss of irreplaceable habitat in exceptional circumstances.

The 10% BNG requirement does not apply when there is loss of irreplaceable habitat because it would be impossible to achieve.

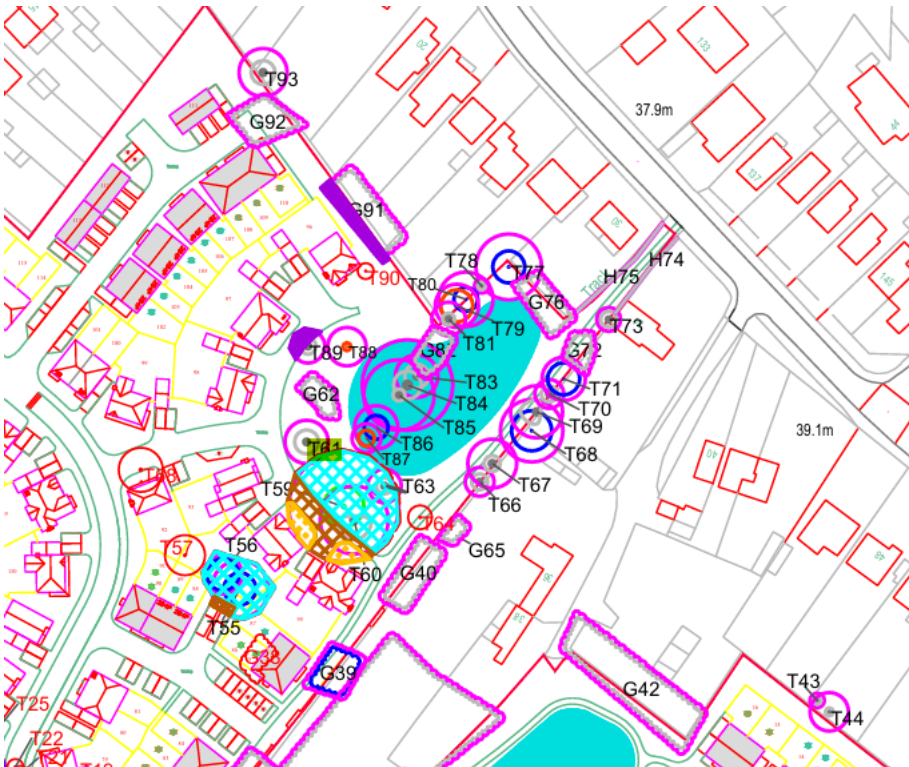
Instead, you need to minimise adverse impacts and agree a compensation strategy with the planning authority.

Read the [national planning policy framework on irreplaceable habitat](#).”

We therefore consider that it does not make sense to make a distinction between the definition of irreplaceable veteran tree habitat in the NPPF versus The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. We consider that paragraph 193(c) does apply to this application.

Applying paragraph 193(c) means that the three on-site veteran trees should be prioritised for retention. The arboricultural impact assessment shows T90 for removal, but T61 and T89 to be retained.

⁷ [Irreplaceable habitat - GOV.UK](#)



T61 and T89 although retained may not have a suitable protective buffer as recommended by [Gov.UK](https://www.gov.uk). Insufficient justification has been put forward to justify the removal of T90, and for the likely inadequate protection of T61 and T89.

We would recommend that retained irreplaceable habitat include a suitable buffer. The buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area. The root protection area needs to be in place during and post-construction (e.g., through the implementation of post and rail fencing).

We remind Gravesham Borough Council that any loss of irreplaceable habitat is to be considered under the NPPF 2024, paragraph 193(c), which states: *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”*.

Post-development Habitat Information

We previously requested the following:

- *Update of the biodiversity net gain calculation tool to show proposed habitat retention (including based on the tree protection plan), and indicative post-development on-site habitats based on the illustrative landscape masterplan and parameter plan.*

The project ecologists have responded with the following:

“The Biodiversity Gain Regulations do not require assessment of the post-development position at the application stage: the applicant’s view is that this assessment can be secured through the standard biodiversity gain condition – alongside a suitably detailed Biodiversity Gain Plan and Habitat Management and Monitoring Plan, as proposed within the submitted BNG Validation Statement.

In terms of the ‘indication’ suggested by KCC EAS, it can be advised that 10% BNG (and compliance with the applicable trading rules) is unlikely to be achievable within the parameters of the current proposals. As is typically the case with development sites characterised by a high proportion of semi-natural grassland cover, the proposed development is projected to incur an unavoidable reliance on off-site biodiversity units, as indicated in the BNG Validation Statement”.

The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 requires information pertaining to the on-site habitat baseline be provided with the application for planning permission. We are content with the baseline habitat calculations and plan provided. We are content that the minimum validation requirements with regards to mandatory 10% biodiversity net gain have been met.

We understand following a meeting with Gravesham Borough Council regarding this application that with regards to this application, that the minimum validation requirements will be largely all that is required at the present time, although confirmation will be sought to indicate that there will be no net loss of biodiversity within the Borough, as per local policy. This confirmation can be provided through evidence that off-site compensation can be provided within Gravesham Borough Council area. We understand that planning obligations/ conditions will be attached to any decision notice granting planning permission for this development to take into account the biodiversity gain hierarchy and the likely presence of on-site significant habitat gains post-development.

Despite the above, we note that a landscape masterplan, parameter plan and arboricultural impact assessment are available for this application, and that it would be possible to submit indicative post-development habitat calculations with the planning application. So, whilst we acknowledge that full details of how the proposals will deliver biodiversity gains are not required until submission of the pre-commencement Biodiversity Gain Plan, the government’s planning practice guidance⁸ on BNG states (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.”

The developer needs to first prioritise on-site biodiversity net gain before considering off-site options. We note that there is a considerable area of open space proposed on the

⁸ [Biodiversity net gain - GOV.UK](https://www.gov.uk/guidance/biodiversity-net-gain)

parameter plan, and that the illustrative landscape masterplan indicates areas of retained trees and hedgerows, proposed trees and woodland, proposed traditional and community orchard, scrub, wildflower meadow, and ponds. However, these habitats have not been represented within the metric to show the proposed balance between on- versus off-site gains, or the likely presence of/nature of any on-site significant habitat, although we understand from the applicant that some off-site compensation will be required.

We also understand from the latest submitted EclA that the *“Residential development is proposed to be sited within areas of generally low ecological sensitivity, including previously developed land, arable fields, and herb-poor paddocks. The proposals allow for the retention and enhancement of the greater part of the relatively diverse grassland resource within the western part of the Site. The assemblage of ecologically important trees within the former Elmlands Shaw footprint is proposed for retention except where removal is considered unavoidable for the purposes of providing access between the eastern and western parts of the Site – whereby the proposed access route has been sited to allow for trees of greater arboricultural value and projected lifespan contribution to be retained.”* and *“Landscape connectivity will be maintained by the provision of a continuous expanse of informal greenspace along the southern edge of the Site”*.

For information purposes, further detail regarding when post-development habitat can be requested as part of a planning application is provided in Appendix 1.

Ecological Impact Assessment

An Ecological Impact Assessment (EclA) has been provided to support this application. This document recommends a *“Construction Environmental Management Plan (CEMP) to set out detailed measures for protecting the environment during the site clearance and construction phase. This will include specifications for construction timing and logistics; pollution prevention measures; measures to control surface water run-off and the emission of dust and noise; and specific measures that will be prescribed to avoid or mitigate damage and disturbance to important species and habitats, such as the exclusion of construction activities from sensitive areas”*. This can be secured by condition should planning permission be granted for this application.

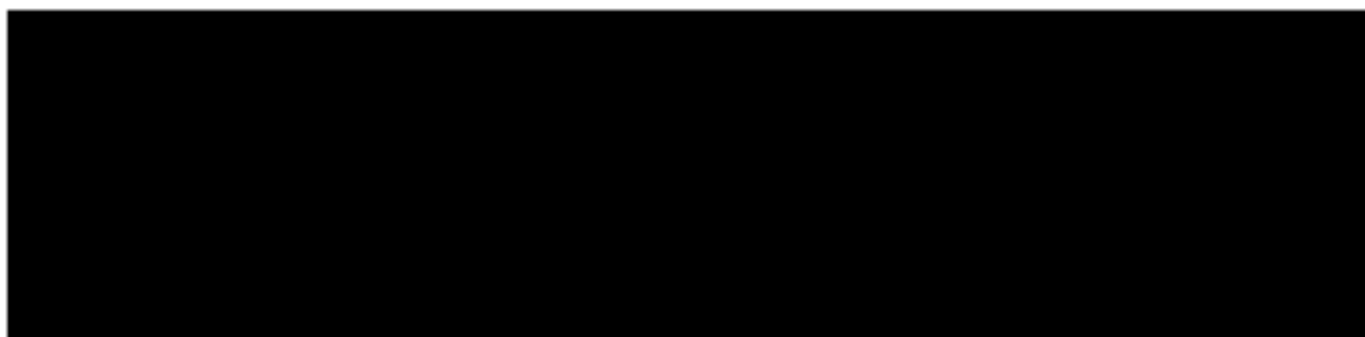
Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system.

The EclA recommends a wildlife sensitive lighting design, a detailed lighting strategy and plans, and ecological enhancement features such as bat and bird boxes and hedgehog highways through garden fencing. These measures should be secured by condition should planning permission be granted.

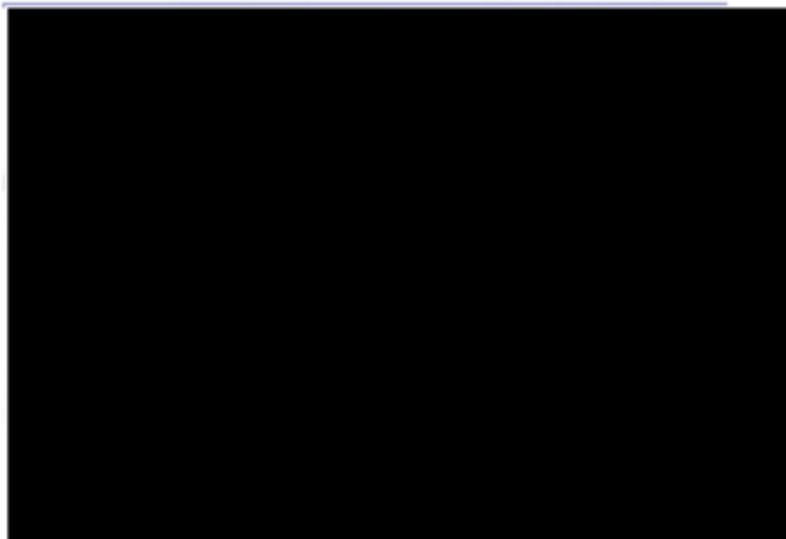
The recommended ratio of integral nest boxes⁹ to residential units is 1:1, with 4-10 recommended for a small block of flats and 10-40+ for larger developments (e.g. warehouses, schools, hospitals and large blocks of flats). Integral swift and bat features are also supported by the NPPF 2024 187(d) and the Kent Local Nature Recovery Strategy.

Badger

Badgers are protected under the Protection of Badgers Act 1992, due to high levels of persecution. This Act protects badgers and their setts. It is an offence to disturb, damage, obstruct or destroy a badger's sett. Active badger setts require a licence to close, and some setts (e.g., main setts) will require compensation through artificial sett creation if they are to be lost from a development site.



However, we note that information provided by a neighbour (see Appendix 2) indicates that there is a badger sett on-site which may require avoidance, mitigation and/or compensation action:



Insufficient information has been provided to determine potential impacts upon badgers. To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that further survey information regarding the extent of the badger sett, number of entrances, type of badger sett and its current activity levels, is

⁹ BS 42021:2022 'British Standard for integral nest boxes'

required prior to determination of this application. We note that the neighbour believes that this badger sett is only visible/accessible from their property due to the level of scrub hiding the sett on the development site. We note that the neighbour is able to provide the developer with access to the badger sett.

A detailed badger activity survey report, including any necessary avoidance, mitigations and compensation measures should be sought prior to determination of the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005¹⁰ 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”*.

Bats

A bat survey report forms part of the submission material. This report provides information relating to preliminary roost assessments, emergence surveys, night-time bat walkovers and automated static detector surveys in 2025. The site is used by roosting, commuting and foraging bats. It is likely that if the bats are using the trees running along the proposed new access road to forage and commute that they will be adversely affected by increased artificial lighting. The detailed design should focus on strengthening boundary vegetation and minimising lighting along boundary vegetation and in new open space areas.

Commuting and Foraging Bats

At least eight bat species were recorded using the site for foraging and commuting. Some of these species are rarer species in a UK context, and some of these species are known to be very light sensitive.

The submitted EcIA/bat report does not provide a clear objective assessment regarding the importance of the assemblage on-site in line with the latest bat mitigation guidelines¹¹ (Tables 3.1 and Table 3.3). The latest bat mitigation guidelines would elevate the importance of the site for bats based on the species richness. Nevertheless, the reported bat activity suggests low to moderate activity levels recorded for the majority of species which would likely mean that the importance of the bat assemblage as per the guidelines would be overestimated for the site. However, we note that a bat pass has only been reported where it occurs over a minimum 10 second trigger window. We consider therefore that the bat activity levels reported in the EcIA are likely to represent an under-reporting of the bat activity levels on-site. A definition of a bat pass in the bat survey guidelines is given as: *“any call, or series of calls, separated by more than one second from another call or series of calls...”* The guidelines also suggest that a 2 second gap between calls can be defined as a bat pass, with a 5 second sound file of a species being termed a ‘registration’.

¹⁰ odpm-circ-0605.qxd (publishing.service.gov.uk)

¹¹ [UK Bat Mitigation Guidelines 2025 | CIEEM](#)

There is also a lack of information regarding the likelihood of bat roosting opportunities in trees, and the likelihood of important bat roosts in trees. Further information regarding this could provide a greater level of certainty regarding the importance of the bat foraging and commuting resource on-site.

Roosting Bats - Buildings

The presence of common pipistrelle flying onto the site from off-site locations close to sunset indicates that common pipistrelles from off-site roosts are using the site. Common pipistrelle roosts were also detected on-site in Building 15 (Evelyn Cottage), Buildings 8a, 14 and 9. We note that emergence surveys of the buildings were carried out during July and August in the bat maternity season. We also note that some of the surveys did not follow standard survey guidelines although roost characterisation has been provided within the latest submission of the EcIA.

A bespoke survey, relatively late in the maternity season (28th July 2025), rather than standard accepted survey effort was used to survey Buildings 8a, 9 and 14. These buildings were assessed during the preliminary roost assessment to be of low roosting suitability. Across 12 buildings on-site (including these three), three mobile surveyors and eight infrared cameras were used to cover 'certain features'. This is not accepted practice to assess low suitability buildings for roosting bats, although justification for this approach has been provided. One roosting common pipistrelle bat was recorded emerging from Building 8a, one roosting common pipistrelle from Building 14 and two from Building 9. A further survey in late September was undertaken to characterise the roosts. The EcIA indicates at least four day roosts for common pipistrelle on-site.

The ecologists have indicated that sufficient information is available to evaluate the on-site roosts present in buildings. We consider that the methodology and findings are sufficient in this particular case to support the planning application. However, we would usually consider it important that standardised and accepted methodology is used alongside any bespoke surveys to ensure that survey effort meets the relevant standards and allows comparability of the importance of ecological features between sites.

Roosting Bats - Trees

We note that in relation to bats in roosting trees, the project ecologists have stated:

"In respect of potential tree roosts, the current edition of the Bat Conservation Trust's (BCT) Good Practice Guidelines notes that "trees and woodland present a much more dynamic roosting environment than buildings and this should be considered when designing surveys over longer periods of time. Bat in trees switch roosts and PRFs may appear or disappear over a period of several years." As is the case with potential building roosts, any presence/absence surveys conducted to inform the current outline proposals would certainly need to be repeated at subsequent planning stages or before commencement.

Due, among other factors, to the typically relatively ephemeral occupancy of tree roosts by bats, the BCT advises that “confidence in a negative [survey] result is not possible for trees”.

Furthermore, in contrast, for example, to building roof voids, the types of cavity and crevice feature utilised by tree-roosting bats are fairly easily replicated in the form of suitable tree mounted bat boxes. These can be provided in due proportion to the effects of the proposed development upon such features - irrespective of whether their use by bats has been confirmed - with the result that the overall extent of the available roosting habitat resource would be maintained or, more appropriately, enhanced. Given, therefore, that trees present a dynamic roosting environment, and the current baseline will have changed by the point of commencement; that further surveys conducted at this stage would need to be repeated at a subsequent stage of the project and would not in any case provide confidence in the absence of bat roosts; and that standard tested measures can be applied both to maintain the availability of roosting opportunities and avoid harm to bats during construction, it is considered that tree roost presence/absence surveys could reasonably be deferred to subsequent project stages.

British Standards BS42020:2013 advises that the need “to inform the detailed ecological requirements for later phases of developments that might occur over a long period and/or multiple phases” can justify the use of a planning condition to secure ecological surveys are after planning permission has been granted. It is understood that a similar general approach was accepted by KCC EAS in respect of the proposed development of Land at South-east Faversham (Swale Borough Council, 23/505533/EIHYB)”.

The development of Land at South-east Faversham (23/505533/EIHYB) pertains to a very large, phased development for which a greater level of detail and survey information with regards to trees was available than for this development. We therefore reiterate our previous comments:

The arboricultural impact assessment indicates that trees, including ecologically valuable trees are proposed for removal from the site. However, no tree roost surveys in line with current guidelines, nor any avoidance, mitigation or compensation measures have been proposed. This information needs to be provided to support the application in line with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005¹² 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”.

¹² [odpm-circ-0605.qxd \(publishing.service.gov.uk\)](#)

The guidelines underline that breeding colonies of bats need a large number of trees (up to 60) with roosting features to support them and that as part of the project's impact assessment, the following baseline surveys should be undertaken:

- Step 1 – The site's roosting resource should be mapped, with all impacted trees categorised in a ground level tree roost assessment (GLTA). GLTA can be carried out at any time of year by a suitably qualified ecologist, although they are best carried out in winter when potential roosting features will be most visible. The GLTA may be able to classify trees as PRF-I or PRF-M, or a classification of FAR may be appropriate.
- Step 2 - A single PRF aerial inspection survey should be carried out for FAR trees/those where it was not possible to categorise the trees definitively as NONE, PRF-I or PRF-M from initial assessments. The aerial inspection survey should record the characteristics of the PRFs (which may include recording bats or signs of bats). The tree resource will then be re-categorised¹³.
- Step 3 – Where the potential impacts, size and/or location of the project warrants it, activity surveys should establish the species assemblage present in the area, and search for any spatial/temporal patterns that suggest roosts are present. Impacts to flight lines and foraging areas should be considered.

Following Step 3, and after considering impact avoidance, for impacted trees of PRF-M, the following is recommended:

- Step 4 - PRF aerial close inspection surveys for PRF-M features (trees with moderate or high bat roosting suitability) in summer, or emergence surveys with night-vision aids, and a consideration of winter roosting potential.

The aerial close inspection surveys should entail three visits between May and September, with at least two visits between May and August, spaced at least three weeks apart.

Birds

Breeding bird surveys were undertaken on-site (four daytime survey visits between 12th May 2025 and 16th June 2025 spaced at least 10 days apart). The project ecologists have justified that four visits (rather than the standard six) are proportionate given the size of the proposed development and types of habitats present. The surveys were only carried out across two months when surveys are usually recommended between late March and early July with at least one nocturnal visit to ensure the maximum spread of breeding species that could make use of the site is captured.

¹³ The latest guidelines categorise trees as PRF-I (suitable for individual bats or very small numbers) or PRF-M (suitable for multiple bats).

Given the habitat types and land use recorded, we did not previously request further survey information (although if sufficient habitat cannot be retained and/or created on-site then we stated that we may request it). We did previously request further information, including an outline avoidance, mitigation, compensation and enhancement strategy that commits to retaining as much habitat as possible that is most likely to provide the best habitat on-site for breeding birds. Where breeding bird habitat cannot be retained, we requested that appropriate mitigation and compensation is put forward.

We noted that given the recorded presence of swift on-site, the development provides an excellent opportunity to incorporate swift nesting habitat into the development as an enhancement.

The applicant's 'Response to KCC Ecological Advice Service, 12 May 2026' states:

[REDACTED] who is a bird specialist and the lead ecologist on the project, used his extensive professional experience to judge what level of survey effort would be proportionate to provide a sufficiently accurate baseline to inform an assessment of the current proposals. Three to four survey visits are recommended for several passerine species-specific surveys, and, beyond the total of four visits completed within the peak period of breeding activity at Rose Farm, the species detection curve would have significantly flattened out, with the result that further survey visits – or visits at other times of the season - were highly unlikely to materially change the evaluation presented in the submitted report, particularly in view of the scale and character of the habitats which might be affected in this case. We consequently do not accept that survey effort “falls well short of expected professional standards.”

As related in the Breeding Bird Survey Report, the recorded bird assemblage is considered to be of less than ‘Local’ importance; it consequently does not constitute an ‘Important Ecological Feature’ for the purposes of undertaking EclA or justify the preparation of an “outline avoidance, mitigation, compensation and enhancement strategy” as requested by KCC EAS”.

The breeding bird survey report indicates that the survey methodology used was based on territory mapping as outlined in Gilbert *et al.*, 1998 and guidance from The Bird Survey Guidelines.

Correspondence (dated 9th June 2026) with the committee for the latest professional guidance on breeding bird surveys ([Bird Survey Guidelines | for ecological impact assessment](#)) indicates the following with regards to farmland bird surveys:

“Our guidance is very clear that six visits is the rule, not the exception, with any deviation needing to be well reasoned: we state that ‘Six visits is therefore considered to be a proportionate survey effort for all terrestrial and freshwater habitats’.

We have focused on lowland deciduous woodland in our example, as this is a habitat that has been well studied and shown to require six visits to encounter the majority of species present. We then apply this reasoning to all terrestrial and freshwater habitats, unless justified otherwise.

If the applications you receive have fewer than six visits then they should justify why. This may be appropriate for a confined area of intensive farmland, where confidence in recorded all species present from a lower number of visits is high. However, for a sizeable farmland parcel, with hedgelines, wooded copses, field margins etc, then our guidance would expect six visits.

Our guidance is aimed at experienced ornithologists, but the onus should be on them to justify any deviations. We have intentionally avoided being overly prescriptive, to ensure the guidance does not conflict with the principle that impact assessments should remain project- and site-specific”.

With regards to the site specific, it is approximately 9.6 ha in size. The committee's meaning of 'sizeable farmland parcel' is not defined, although we would consider 9.6 ha would constitute a relatively modest farmland parcel.

We note that the site includes fields used for grazing or open grassland and two arable fields, with housing running along, but beyond, the eastern boundary. There are also on-site priority habitat native hedgerows, and tree lines, three veteran fruit trees, mature and over-mature native trees, including a very large lime tree. Elmlands Shaw, a strip of woodland (likely remnants of a woodland dating back to at least 1864), was present on the north-west boundary of the Site and a meadow field is present on-site.

Taking account of species-specific guidance (Gilbert *et al.*, 1998), we note that recommended surveys to detect certain species breeding (e.g., buzzard, grey partridge) requires a survey in March, and that surveys for other species are recommended to be spaced between April and May/June to late-June (e.g., linnet, skylark, tree sparrows). Recommendations are that surveys for corn buntings extend into July.

We also note that with regards to generic survey, the common birds census technique in Gilbert *et al.*, 1998 recommends 10 visits for farmland between March and July, with at least 10 days between each visit.

We note that a neighbour has indicated that there is a roosting and nesting area for birds of prey (kestrels, buzzards and owls) in the centre of the site:



We note that the project ecologists detected little owl as probable breeders, and buzzards and sparrowhawks as observed on-site. We consider that the kestrel reported by the neighbour may be a sparrowhawk. It would be useful to receive some commentary from the project ecologists on the neighbour identified 'roosting and nesting area'.

Overall, we consider that the surveys were not sufficiently spread across the bird survey season. Some breeding species may have been missed on-site, although we accept that the much of the site is likely to provide poor habitat for many breeding species (e.g., intensively grazed paddocks and arable fields below 5ha in size). Key areas would be the hedgerows, tree lines and remnant woodland. A small meadow may provide useful foraging habitat for some species.

Despite this and the survey limitations, 36 species were recorded using the site, five red listed, seven amber status and five Species of Principal Importance for conservation under section 41 of the NERC Act 2006. The breeding bird survey report has assessed the bird assemblage on and around the site to be of importance to 400m from the site boundary due to the abundance, diversity and composition recorded. We understand that the ecologists have placed the site's value at below local importance for breeding birds. However, we suggest that it is not possible to provide a confident assessment of the value of the site for breeding birds given the limitations to the surveys completed.

Additionally, based on the criteria of 'A Method for Assessing the Ornithological Interest of Sites for Conservation' (Fuller, 1980), 25-49 species on a site would make it of local importance for breeding birds. It is however widely accepted that due to the widespread declines in the populations of many bird species in the UK that the brackets of geographical importance in Fuller (1980) are outdated. Local importance is defined in the latest Ecological Impact Assessment guidelines as "*district, borough or parish context or within other locally defined areas*".

The latest government indices show that in general, farmland bird populations are ‘deteriorating’^{14,15}, with both breeding and non-breeding farmland birds showing the greatest long-term and short-term declines of all bird populations. Farmland bird populations have decreased by nearly two thirds since 1970 and by 13% in the last five years.

Although the site is relatively modest in size, it contains habitat suitable for a range of breeding birds, including some farmland species^{16,17} such as house sparrow, linnet, song thrush and starling. Some farmland birds breeding off-site may forage on-site. There are measures that could be taken within the detailed design to mitigate for the loss of farmland habitat, and even provide an enhancement for some species, as many of the species found on-site have the potential to make use of residential gardens and the proposed open space.

The applicant has stated that they will not be providing any mitigation/compensation measures for the loss of bird breeding habitat. The current Ecological Impact Assessment guidelines state: “*Consideration of impacts at all scales is important, and essential if objectives for no net loss of biodiversity and maintenance of healthy ecosystems are to be achieved*”. We consider that given the survey limitations, and given the presence of species of conservation concern on-site, that mitigation/compensation should be provided for the potential loss of foraging and breeding habitat for the breeding bird assemblage in general, but primarily for the species of conservation concern.

Reptiles

We understand that there is approximately 1.21 ha of suitable reptile habitat within the proposed development site. Reptile surveys were carried out on site. These surveys were carried out at an appropriate time of year, but some were outside recommended survey temperatures. One survey in June was carried out entirely above recommended survey temperatures, and two ended above recommended survey temperatures. Four surveys were conducted within recommended guidelines. No reptiles were recorded on-site during the surveys carried out.

However, we note that a neighbour reports seeing an ‘adder’ near the site (38 Downs Road) and coming from the site in late summer 2025. The neighbour does not have photographic evidence, but believes it was an adder because it had a dark zig-zaggy pattern running along its back. The location of this was about 30 metres from the badger sett along the same boundary line in the direction of Downs Road. We understand that the snake was heading towards a pond.

¹⁴ [Birds of the wider countryside and at sea - GOV.UK](#)

¹⁵ [Wild bird populations in the UK and in England - GOV.UK](#)

¹⁶ [Farmland Bird Profiles - Game and Wildlife Conservation Trust](#)

¹⁷ [Top 10 Farmland Birds in the UK](#)

There are some limitations with the reptile surveys carried out at the site, and it is possible that as a result, the presence of a low population of a snake species has been missed. We do not consider it likely that a large population of reptiles has been missed, and we do consider that it will be possible to incorporate mitigation for reptiles into a construction ecological management plan, and within the detailed landscaping design. We would recommend that a suitable amount of high-quality reptile habitat (rough grassland and scrub mosaic) be included within the detailed design to mitigate for the loss of reptile habitat from the site or further reptile surveys be undertaken in line with current temperature guidelines (surveys in temperatures up to 18 degrees Celsius).

Recreational Disturbance; Designated Sites

The application site falls within the 6km zone of influence of the Thames Estuary and Marshes Special Protection Area and its associated Wetland 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.

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 (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).

For this type of development, it is possible to obtain an autogenerated Natural England advice letter which we have attached to the email accompanying this advice note.

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

Clague Architects (December 2025) Parameter Plan. 22628B/10. Proposed Residential Development, Istead Rise.

Clague Architects (December 2024) Proposed Site Plan. 22628B/10. Proposed Residential Development, Istead Rise.

Down to Earth (November 2025) Rose Farm, Downs Road, Istead Rise, DA13 9HG. BS 5837 Arboricultural Impact Assessment Report (AIA). Tree Protection Plan.

EPR (November 2025) Land at Rose Farm, Downs Road, Istead Rise. Outline Ecological Impact Assessment.

EPR (November 2025) Land at Rose Farm, Downs Road, Istead Rise. Breeding Bird Survey Report.

EPR (November 2025) Land at Rose Farm, Downs Road, Istead Rise. Reptile Survey Report.

EPR (November 2025) Land at Rose Farm, Downs Road, Istead Rise. Technical Note: Biodiversity Net Gain Validation Statement.

EPR (December 2025) Land at Rose Farm, Downs Road, Istead Rise. Bat Survey Report.

EPR (December 2025) Land at Rose Farm, Downs Road, Istead Rise. Habitats, Flora and Vegetation Survey Report.

Stantec (November 2025) Land at Rose Farm, Istead Rise. Illustrative Landscape Masterplan.

Woodward, A. (December 2025) Application for Outline Planning Permission with some matters reserved. PP-14468593. Gravesham Borough Council. Land at Rose Farm, Istead Rise.

Appendix 1: May local planning authorities request information above the minimum validation requirements for biodiversity net gain as part of the planning application?

The government's planning practice guidance¹⁸ on BNG states (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."

Paragraph: 013 Reference ID: 74-013-20240214 of the Gov.UK planning practice guidance on Biodiversity Net Gain under the heading: "May local planning authorities request further information relating to biodiversity net gain as part of the planning application?" states that: "In addition to the [minimum information requirements](#), it may be appropriate for local planning authorities to ask for further information in order to assist the consideration of biodiversity net gain as part of the determination of the planning application, where they believe this would be material to the consideration of the application. The amount of information on these matters will vary depending on the type and scale of development, type of planning application, the onsite habitat impacted, and the extent of any significant onsite enhancements.

Local planning authorities should take a proportionate approach to these information requirements (which should be set out in their local lists¹⁹) focused on only necessary additional information, and integrated with wider information requirements on biodiversity and other environmental matters, smaller developments should generally be subject to fewer information requirements than a major development unless the development would have an adverse impact on valuable onsite habitats. For example:

- on smaller sites where the existing habitats impacted have a low biodiversity value and the scope for onsite enhancements is limited it may not be appropriate to request a substantive amount of information from applicants, and may want to rely on the minimum information requirements;
- it may be appropriate to require information on the proposed balance between onsite gains, off-site gains and biodiversity credits, for proposals involving significant onsite habitat enhancements, and potential requirements for s106 agreements;

¹⁸ [Biodiversity net gain - GOV.UK](#)

¹⁹ The Gravesham Borough Council local validation list includes the following:

"Biodiversity Survey and Report

This applies to applications for Major development and other development likely to have a biodiversity impact on

- statutory and non-statutory designated sites of importance for nature conservation,
- protected species
- natural or semi-natural vegetation / habitat such as trees & scrub, woodland, hedgerow, ponds, and water courses....

Surveys and assessments must be carried out by a suitably qualified ecologist and, following best practice guidelines, take place in suitable weather conditions, with sufficient survey effort, and at the correct time of year. All reports should include likely impact, mitigation, and opportunities for enhancement, to demonstrate a Biodiversity Net Gain".

- *in some cases, further details (such as landscaping) may only be approved as a subsequent matter (for example approval of conditions following the grant of planning permission) following the grant of planning permission and if offsite gains and credits are proposed to be used, evidence is going to be required in the Biodiversity Gain Plan therefore it may not be proportionate to request all this information at the planning application stage.*

There is often a strong link between onsite interventions (including the retention of distinctive onsite habitats and significant onsite enhancements) to support biodiversity net gain and wider planning policies which conserve and enhance biodiversity and protect the environment, such as urban greening policies; and an integrated approach to the provision of information is encouraged building on current practice. Local planning authorities may want to align these local information requirements wherever possible”.

For certain developments, especially the larger developments, at least indicative post-development habitat calculations can help understand whether there will be any significant on-site gains, and how the biodiversity gain hierarchy will be applied.

Paragraph 002 indicates that consideration of the biodiversity gain hierarchy should inform the design of proposals and post-development biodiversity metric calculations help understand its application. This is because it allows the local planning authority to see which habitats are targeted for retention or loss, and which habitats will be targeted for creation and enhancement on- versus off-site.

Within The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024, the biodiversity gain hierarchy is defined as follows:

“37A. *In this Part, “biodiversity gain hierarchy” means the following actions in the following order of priority—*

(a) in relation to onsite habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than four—

(i) avoiding adverse effects of the development, or

(ii) insofar as those adverse effects cannot be avoided, mitigating those effects;

(b) in relation to any onsite habitat which is adversely affected by the development, compensating for that adverse effect by—

(i) habitat enhancement ([1](#)) of onsite habitat;

(ii) insofar as there cannot be that enhancement, creation of onsite habitat;

(iii) insofar as there cannot be that creation, the availability of registered offsite biodiversity gain for allocation to the development;

(iv) insofar as registered offsite biodiversity gain cannot be allocated to the development, the purchase of biodiversity credits”.

Paragraph: 008 Reference ID: 74-008-20240214²⁰ of the planning practice guidance for biodiversity net gain indicates that on-site habitats of medium, high or very high distinctiveness have a score of four or more according to the statutory biodiversity metric.

We note that for this development there are seven habitat types on-site where avoidance action should be preferenced before mitigation or compensation (other neutral grassland, mixed scrub, other woodland; broadleaved and rural trees; native hedgerow with trees, species-rich native hedgerow and native hedgerow – associated with bank or ditch). We note that for all habitats adversely affected by the development, on-site enhancement or creation should be preferenced above off-site compensation.

We note that despite an arboricultural impact assessment, parameter plan, post-development BNG plan and illustrative landscape masterplan being available, that post-development indicative habitat calculations have not been provided as part of this application. The provision of these indicative calculations within the biodiversity metric calculation tool would allow Gravesham Borough Council to understand the proposed balance between on-site gains, off-site gains and biodiversity credits, and so in other words, how the biodiversity gain hierarchy will be applied.

The applicant has indicated that the mandatory 10% biodiversity net gain will be achieved through a mixture of on-site and off-site compensation, however, the provision of indicative calculations would provide greater clarity on the relative balance of on versus off-site compensation. It would also provide information regarding which habitats are to be retained or lost, and which habitats will be mitigated/compensated for on-site, and which habitats will be compensated for off-site.

With regards to wider planning policies, which would support detail such as post-development habitat calculations to show the approach to be taken regarding the avoidance, mitigation and compensation for the development, The National Planning Policy Framework 2024 includes the following text:

Paragraph 187: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: ...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;...”* and Paragraph 193: *“When determining planning applications, local planning authorities should apply the following principles: ...d) ... while 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”.*

²⁰ [Biodiversity net gain - GOV.UK](https://www.gov.uk/guidance/biodiversity-net-gain)

Paragraph 5.7.13 of the Gravesham Local Plan Core Strategy – September 2014 states: *“The strategy is to ensure that there is no net loss of biodiversity in the Borough and to take every opportunity to improve biodiversity. Existing sites of biodiversity value will be protected according to their importance. Where development is proposed, ecological surveys must be conducted and mitigation strategies produced, where applicable, prior to seeking planning permission. Development will then be expected to be designed, laid out and constructed in a manner which protects habitats and important species and also includes features to ensure biodiversity...”*

Policy CS12: Green Infrastructure of the strategy includes: *“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”.

Given sufficient information is available at this stage to provide a better indication of the likely balance between on- and off-site biodiversity net gains, we consider that there would be some policy support to seek this information. Indeed, Paragraph: 008 Reference ID: 74-008-20240214 of the biodiversity net gain planning practice guidance states: *“The Biodiversity Gain Hierarchy is distinct from the mitigation hierarchy set out in paragraph 186(a) of the National Planning Policy Framework which states that a planning application should be refused if significant harm to biodiversity resulting from the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for. How biodiversity net gain will be secured for a development may be relevant to consideration of the policy in the Framework, especially in relation to adequate mitigation and compensation”.*

Additionally, having indicative post-development habitat calculations would allow Gravesham Borough Council to have a better understanding of the likelihood of/nature of on-site significant gains and so aid the precision of conditions and/or section 106 agreements to be applied to the decision notice. Section 106 agreements may be necessary to secure off-site habitat and/or monitoring fees for any monitoring that is required for on-site significant gains.

Paragraph: 015 Reference ID: 74-015-20240214 of the planning practice guidance for Biodiversity Net Gain, under the heading: *“If planning obligations are likely to be used to secure biodiversity net gain, should the local planning authority request further information as part of the planning application?”* states: *“For the purposes of biodiversity net gain, planning obligations are one of the mechanisms under paragraph 9 of Schedule 7A*

necessary to secure the maintenance of significant onsite habitat enhancements for at least 30 years, They are also required to register sites for offsite gains (unless conservation covenants are used).

The purpose of planning obligations is to make development acceptable in planning terms. If planning obligations are going to be used for biodiversity net gain, it is good practice to submit information about any potential planning obligations which may need to be entered into should the proposal be granted planning permission. For example, this may be appropriate if pre-application engagement has indicated the need for:

- significant increase of onsite biodiversity enhancements, then applicants are encouraged to provide a draft Habitat Management and Monitoring Plan as part of the application which sets out the proposals for long term maintenance of habitats to be secured through [planning condition](#) or [planning obligation](#); or*
- an off-site biodiversity gains site specifically to provide gains for the development, then applicants are encouraged to provide the local planning authority with draft heads of terms clearly setting out the obligations that they are likely to be bound by in a [section 106 agreement](#), should permission be granted.*

This is something that local planning authorities may want to add to [local lists of information requirements](#) if they are able to justify their inclusion in relation to any particular development”.

Due to the size of the development, there is a strong possibility of on-site significant habitat for these proposals that may need to be secured through a section 106 agreement, or a mixture of a section 106 agreement and appropriately worded conditions. Further, the applicant has indicated that off-site habitat compensation will be required to meet the mandatory 10% biodiversity net gain requirements.

We note that Gravesham Borough Council has a local policy for no net loss of biodiversity within the Borough. It may therefore be necessary to require information on whether off-site compensation is needed/possible within the Borough to avoid biodiversity loss within it.

Appendix 2: Badgers

Evidence Document for Rose Farm Planning Application no. 20251233

On the proposed site there is a badger sett, which is well hidden on the bank in the dense shrubs along the side of the arable field. Below are photographs of the sett & illustrations on the plans to show the location of the sett. There is also video footage evidence, attached to email to go with this slide.



Views below show Downs Road and Upper Avenue at the top of the images, the sett is on a sloping bank, between the arable field and garden of 36 Downs Road, which is very densely planted. It can only be accessed from garden of 36 Downs Road, but is on the land belonging to the proposed site.

