



ECOLOGICAL ADVICE SERVICE

TO: Ross McCardle
FROM: Emma England
DATE: 14 January 2026
SUBJECT: 25/1227/FH / Land Adj Thrift Farm, Brookland

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 (BNG) information has been provided for determination. Recommended condition/informative wording is provided in Appendix 1.

However, we caution that reptile surveys of the proposed BNG area may be required, with the results taken into consideration, prior to the approval of the biodiversity gain plan depending on the post-development habitat type(s) proposed for creation/enhancement. The current management of the grassland indicates that reptiles are a consideration. Reseeding/overseeding and management of the grassland as a wildflower meadow is likely to reduce/remove the suitability of the grassland for reptiles at certain times of year and risks killing or injury for these animals. We also point out that the current grassland management is likely to be of benefit to foraging barn owls, with a move to wildflower grassland management being detrimental to this species. The consequence of the proposed post-development habitat could be an actual loss of protected and priority species from the site and a true biodiversity loss, rather than the projected net gain.

To support barn owls, and potentially reptiles using the proposed BNG area, changes to the proposed post-permission habitat and its management are likely to be required. The management of reptile/ barn owl foraging habitat as a wildflower meadow is unlikely to be

suitable across its entire area. Given the area available to support a biodiversity net gain of 10%, and the high biodiversity net gain currently proposed, we consider that there is scope to achieve an on-site biodiversity net gain of 10%, and provide for barn owls and reptiles, but a broader consideration of the current value of the site for biodiversity needs to be taken into consideration when designing the biodiversity gain plan.

A summary of our review of the submitted biodiversity net gain information is provided below. Detailed comments on the submitted ecological and biodiversity net gain information follow the subheadings below.

Table 1: To show a summary of our review of submitted biodiversity net gain information

Percentage Net Gain Required	Percentage Net Gain/Loss Reported for Area Habitats	Percentage Net Gain/Loss Reported for Linear Habitats	Net Gain Proposed: 1 – all on-site; 2 – no significant on-site and off-site; 3 - significant on-site and off-site	On-site 'significant' Net Gains Proposed (Yes/No)
10%	+135.91%	+45.27%	1 – all on-site	Yes

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

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:

Table 2: To show whether the applicant has met the minimum validation requirements

Information Needed	Provided	Comments
Confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition.	No	The applicant has claimed a de-minimis exemption within the application form as the replacement building proposed on-site is below a 25m ² increase in size versus the existing building. However, in addition to a replacement stables, we also note that a 162 m ² sand

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.

		<p>school is proposed on-site and that the replacement track appears to expand the area of hardstanding on-site based on plans. This would remove existing grassland areas and take the proposal above the limit for the de-minimis exemption. We therefore consider that mandatory 10% biodiversity net gain will apply to this development.</p>
<p>The pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate).</p>	Yes	<p>A site survey was carried out on 22nd September 2025 by a suitably qualified ecologist. The survey date is considered acceptable to inform the application.</p>
<p>Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.</p>	-	-
<p>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.</p>	Yes	<p>The site is 944 square metres (0.0944 hectares) in size, according to the information in the application form. The habitat area reported in the biodiversity metric calculation tool (0.94 ha) does not match the reported red line boundary site area as per the application form. The area within the red line boundary should be clarified, although, based on a rapid estimate, the reported red line boundary size within the biodiversity metric calculation tool appears likely to be accurate.</p> <p>We note that the site largely comprises unmanaged grassland.</p> <p>We are content with the baseline habitat classifications.</p> <p>However, we query the suitability of the post-development habitat classifications, and this would benefit from clarification. We note that most of the modified grassland within the site that will be unaffected by the creation of the sand school, hardstanding or building is proposed for enhancement to other neutral grassland in moderate condition. No management prescriptions have been provided with regards to how this will be achieved. We assume the proposal to enhance the grassland is likely to be through a combination of changes to management and potentially, through reseeding/overseeding. We have concerns with how suitable this approach is likely to be:</p> <ol style="list-style-type: none"> 1) Reseeding/overseeding and management of the grassland as a wildflower meadow is likely to reduce/remove the suitability of the grassland for reptiles at certain times of year and risks killing or

		<p>injury for these animals. The consequence could be a loss of protected and priority species from the site and a biodiversity loss;</p> <p>2) Barn owls are likely to forage over the grassland due to its current management. A change in management to wildflower meadow is likely to reduce the value of the grassland for this species and could result in the loss of the species from the site, even where a replacement roost/nesting space is provided post-development.</p> <p>We understand from the applicant that it will be possible to secure an area of grassland to be managed for 30-years as a BNG area and that it is not required for other purposes, such as the grazing of horses.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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. 	No	<p>No statement has been provided in the submitted application form. However, the ecology report and aerial imagery do not indicate any habitat degradation has occurred on-site.</p>
<p>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).</p>	-	<p>None reported.</p>
<p>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).</p>	Yes	

The habitat baseline must be correct prior to determination, but full details of how the proposals will deliver biodiversity gains are not strictly required until submission of the pre-commencement Biodiversity Gain Plan. However, it is advisable to seek an indication prior to determination as, it gives an indication of how the biodiversity gain hierarchy will be applied, and if granted consent, the project cannot commence until this information has been submitted to and approved by the local planning authority. This information will also provide sufficient indication as to how conditions need to be applied should planning permission be granted for this application.

On-Site Significant Gains

Significant on-site gains are areas of habitat creation or enhancement which contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development. Retention of existing habitat cannot count as an on-site significant gain.

Non-significant enhancements are those whose loss will not significantly decrease the development's biodiversity value e.g., private gardens or container planting. These types of enhancements do not normally require maintenance provisions and so no Habitat Management and Monitoring Plan, legal agreement or commitment to maintain them is required.

We consider the creation/enhancement proposed on-site to constitute significant⁵ on-site gains. Government guidance states: *"The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage."*⁶

It is our view that these significant on-site gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. It is our view that monitoring fees should be secured for these significant on-site gains as these gains will need to be subject to monitoring reports across 30 years, which will need to be reviewed (and acted upon as necessary) by the LPA at their own cost. We provide details of suggested monitoring fees in our March 2025 advice note 'KCC Ecological Advice Service suggested BNG Monitoring Fees' which has been distributed to all LPAs in Kent.

Additionally, we recommend conditions for a Habitat Management and Monitoring Plan (HMMP) and monitoring reports to secure the significant on-site gains. We also recommend that the conditions secure the proposed tree retention. Although, the retention of existing habitat cannot count as on-site significant habitat, the relevant retained habitats are recommended to be secured as well as the relevant created and enhanced habitats as without the retained habitats the 10% biodiversity net gain would not be achieved. Furthermore, there are national and local policies in place to conserve biodiversity.

Table 3, Appendix 2 takes elements from the national and local guidance to show how we have calculated the significance of habitats on-site. This site would qualify for use of the small sites metric.

Ecological Impact Assessment

Precautionary clearance methodology is recommended for breeding birds, hedgehogs, great crested newt and reptiles. This can be secured by condition should planning permission be granted.

⁵ We have recently drafted an advice note titled ['Defining significant onsite habitat for Biodiversity Net Gain in Kent and Medway'](#) (March 2025) which outlines our definition of 'significant'. However, this document is awaiting a revision whereby reference to retained habitats counting as on-site significant habitats will be removed.

⁶ [Make on-site biodiversity gains as a developer - GOV.UK](#)

The site is a confirmed barn owl roosting site, suitable compensation has been proposed in the form of a barn owl nesting box to be erected in advance of the removal of barn owl habitat on-site. This can be secured by condition should planning permission be granted.

The grassland on-site was considered 'optimal' for reptiles. We note that no surveys for reptiles have been recommended as only a small proportion of the site is to be affected by works.

We caution that whilst the proposed development itself will have minimal impact upon the relatively unmanaged reptile habitat and barn owl foraging habitat on the site, that the proposed changes to management to achieve a BNG is highly likely to remove the suitability of this habitat for these species. This could then result in a biodiversity loss at the site rather than the large anticipated biodiversity net gain.

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

Building Drawings (June 2025) Renewal of Existing Stables and Track. Land to North of Straight Lane. Planning Statement.

Kent Sussex Ecology (October 2025) Ecological Impact Assessment and Biodiversity Net Gain Assessment. Land North of Straight Lane, New Romney.

Spencer, T. (July 2025) Folkestone and Hythe District Council. Application for Planning Permission. Land to North of Straight Lane, TN29 9QT.

Spencer, T. (June 2025) 25054TD-PP-03-SP-A1. Land to North of Straight Lane, TN29 9QT.

Appendix 1: Suggested Condition/Informative Wording

Ecological Mitigation

To avoid and minimise harm to protected and priority species during site clearance and construction we recommend the following condition.

Suggested Condition Wording:

From commencement of works (including site/vegetation clearance), and for the duration of construction, all mitigation for breeding birds (including the installation of a barn owl box to the specifications and guidance provided by the Barn Owl Trust, available online at barnowltrust.org.uk), reptiles, great crested newts, and mammals (including hedgehogs and badgers), shall be carried out in accordance with the details contained in section 4 of the Kent Sussex Ecology Ecological Impact Assessment & Biodiversity Net Gain Assessment, version 1.0, dated October 2025.

Biodiversity Net Gain

Deemed Condition - Informative

Please note that certain information is required to discharge the biodiversity gain condition. The government's published Biodiversity Gain Plan (BGP) template⁷ should be submitted with the application to discharge the biodiversity gain condition. This template also indicates which other documents and plans should support the application for discharge.

If planning permission is granted, the statutory biodiversity gain condition (and its reason for imposition) should not be included on decision notices as a condition. The condition cannot be varied or removed. An application must be made to discharge it as any other condition.

We recommend an informative in line with the Planning Practice Guidance (Paragraph: 026 Reference ID: 74-026-20240214)¹² should be included on the decision notice to set out the legislative requirements in relation to biodiversity net gain.

Conditions

The suggested conditions below show how on-site biodiversity net gain can be secured by condition; it may be used with a planning obligation securing any monitoring contributions.

Biodiversity Gain Plan

The below condition is not a statutory requirement, but KCC EAS considers it important that protected and priority species are adequately considered when producing the site's biodiversity gain plan. This condition acknowledges the information submitted within the Ecological Impact Assessment and Biodiversity Net Gain Assessment as part of the planning application.

Suggested Condition Wording:

The Biodiversity Gain Plan shall be prepared with consideration of the use or potential use of the baseline habitat modified grassland area by foraging barn owls and reptiles, as shown in the Kent Sussex Ecology Existing Habitat Plan Rev A for Land North of Straight

⁷ [Biodiversity gain plan - GOV.UK](https://www.gov.uk/guidance/biodiversity-gain-plan)

Lane, New Romney on page 7 of the Kent Sussex Ecology Ecological Impact Assessment & Biodiversity Net Gain Assessment, version 1.0, dated October 2025. The Biodiversity Gain Plan shall be informed by up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist of the proposed habitat retention, creation and enhancement areas to be used to achieve a 10% biodiversity net gain. Up-to-date reptile surveys shall be used to demonstrate reptile presence or likely absence, and estimated population information to inform habitat creation, enhancement and management within the aforementioned modified grassland area.

Habitat Management and Monitoring Plan (HMMP)

The below condition is recommended as the scheme must set out the actions needed to create and enhance habitat on-site as well as maintain it for 30 years from the "completion of development"⁸ (Paragraph 9(3) of Schedule 7A of the Town and Country Planning Act 1990).

Neither the statutory definition of the biodiversity gain plan⁹ nor the current DEFRA biodiversity gain plan template require management and maintenance measures to be specified¹⁰. As a result, the statutory condition does not on its own secure compliance with the approved biodiversity gain plan (including the implementation of any habitat creation and enhancement works or their maintenance for a 30-year period). The delivery of the gain envisaged by the HMMP needs to be secured by condition or, where necessary, legal agreement.

The suggested condition wording below also includes reference to habitat retention. Retention of existing habitat cannot count as on-site significant habitat. Only created and enhanced habitats can count as on-site significant habitats. However, the retained habitats are recommended to be secured as well as the created and enhanced habitats as without the retained habitats the 10% biodiversity net gain would not be achieved. Furthermore, there are national and local policies in place to conserve biodiversity.

Suggested Condition Wording:

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:

- a) a non-technical summary;*
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan, and to ensure habitat retention, creation and enhancement works protect and enhance habitat for protected and priority species and habitats;*
- d) the management measures to create and maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*

⁸ PPG 015 Reference ID: 74-015-20240214

⁹ Paragraph 14(2) of Schedule 7A TCPA 1990

¹⁰ The DEFRA biodiversity gain plan template acknowledges a Habitat Management and Monitoring Plan (HMMP) can be annexed to the approved plan. The statutory condition does not require the HMMP to be approved even if it is attached.

e) *the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.*

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with [local policy reference] and Schedule 7A of the Town and Country Planning Act 1990.

Monitoring Reports

To ensure the proposed biodiversity net gain is achieved, we recommend conditions for the submission of monitoring reports to the local authority to help ensure target habitats and their associated conditions are meeting their goals should planning permission be granted.

The conditions enable monitoring of the delivery of the BNG and needs to align with any monitoring fees required through S106 agreement. Monitoring fees may be required by the Local Planning Authority to enable the effective resourcing of the delivery and management of BNG.

Suggested Condition Wording:

Monitoring reports demonstrating that the development is achieving the targeted biodiversity net gain in the approved biodiversity gain plan shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. Remedial measures, if required, shall be specified within an updated HMMP submitted for approval in writing by the local planning authority at the same time as the submission of each monitoring report.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with [insert policy] and Schedule 7A of the Town and Country Planning Act 1990.

Appendix 2: On-Site Significance Calculator

Table 3: On-site Significance of Habitats Calculator

Row No.	On-site Habitat	Present (Y/N)	No. of Habitat Area Units	No. of Hedge Units	Comments
1	Created habitats of medium distinctiveness	Y	1.07	-	Creation of other neutral grassland in moderate condition and planting of 32 small trees in moderate condition.
2	Created habitats of high distinctiveness	N	-	-	-
3	Created habitats of very high distinctiveness	N	-	-	-
4	Created habitats of low distinctiveness making up many biodiversity units (BU) relative to biodiversity value pre-development	N	-	-	Local guidance indicates that the creation of low distinctiveness habitats should not be considered significant for sites qualifying for the small sites metric.
5	Created habitats have increased distinctiveness compared to pre-development (e.g., modified grassland to other neutral grassland)	Y	-	-	Creation of grassland captured above.
6	There have been enhancements proposed to the raise the distinctiveness of retained habitats.	Y	4.24	-	Enhancement of modified grassland to other neutral grassland (change from low to medium distinctiveness).
7	There have been enhancements proposed to the condition of retained habitats	Y	-	-	As above. Change from poor to moderate condition.
8	Habitat creation or enhancement of low distinctiveness habitats or higher is significant in area relative to size of development (excluding individual trees and vertical habitats).	N	-	-	Local guidance indicates that the creation/enhancement of low distinctiveness habitats should not be considered significant for sites qualifying for the small sites metric.
Total biodiversity habitat units (BU) delivered by relevant creation/enhancement action: 5.31					
The above table indicates that the on-site habitat is considered significant because of the creation of and enhancement to other neutral grassland, and the planting of 32 small trees.					

* National guidance indicates that significant enhancements contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development e.g.,:

- o Habitats of medium or higher distinctiveness in the biodiversity metric;

- o Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development;
- o Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development;
- o Areas of habitat creation or enhancement which are significant in area relative to the size of the development;
- o Enhancements to habitat condition.

** In Kent, guidance indicates that the delivery of above 0.5 (total) relevant biodiversity units is considered the threshold for on-site significance for created or enhanced habitats.

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

**** Cropland habitats (except arable field margins, and winter stubble where providing mitigation/compensation for wintering birds), Rhododendron scrub, introduced shrub and culverts cannot be considered significant enhancements in local guidance and have not been included in the above table.