



ECOLOGICAL ADVICE SERVICE

TO: Kelly Joyce
FROM: Emma England
DATE: 12 February 2025
SUBJECT: 20240438 / Northfleet School for Girls

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 PROVIDED

We have reviewed the additional information submitted by the applicant and advise that sufficient ecological information has been provided.

Under the Environment Act 2021, all planning applications for development (unless exempt^{1,2}) must deliver at least a 10% biodiversity net gain. This mandatory 10% biodiversity net gain is provided through the provision of habitats and does not require the provision of habitat features such as bird boxes, bat boxes, hedgehog highways etc. The provision of such habitat features may be required to meet necessary protected and/or priority species mitigation/compensation, and/or to contribute to biodiversity enhancements³ as per the NPPF 2024 and to help meet the public authority biodiversity duty⁴.

¹ [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

² [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://legislation.gov.uk)

³ Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation.

⁴ [Complying with the biodiversity duty - GOV.UK](https://www.gov.uk)

We highlight that paragraph 187 of the NPPF 2024 states: “*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 hedgehog...*”

As such, to meet the necessary policy and legislative requirements, if planning permission is granted, we advise the conditions/informative in Appendix 1 are included.

There appear to be trees near the proposed development. A tree officer can advise with regards to issues pertaining to root protection areas.

Mandatory 10% Biodiversity Net Gain

This application was received on 16th May 2024, with the application form declaration signed 10th May 2024, according to the information available on the planning portal. The site is 1,347 square metres (0.13 hectares) in size, according to the information in the application form.

Unless exempt, every planning permission granted pursuant to an application is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

We highlight that local policy may expect a higher level of biodiversity net gain and that ‘significant’⁵ on-site habitat gains, and off-site habitats created/enhanced to achieve biodiversity net gain will need to be secured for at least 30 years.

Having reviewed submitted information, we consider this application to fall under mandatory biodiversity net gain.

We have completed the below table to show how the applicant has demonstrated the capability of providing a biodiversity net gain of 10% in line with the minimum requirements prior to determination⁶.

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 application form indicates that the temporary small sites exemption applies to proposals. The application form is dated 10 th May 2024. In an email to the planning officer (sent 4 th February 2025 at 15:41) from Ana Antunes, Chartered Architect confirmed that the applicant does understand mandatory 10% biodiversity net gain to apply to the project.
The pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate) .	Yes	

⁵ [Make on-site biodiversity gains as a developer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain#para11)

⁶ <https://www.gov.uk/guidance/biodiversity-net-gain#para11>

Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.	-	
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.	Yes	A small sites metric tool has been submitted and has been completed by a suitably qualified ecologist. The site walkover was carried out 21 st November 2024.
A statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have: • a 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	A brief statement was provided in an email to the planning officer (sent 4 th February 2025 at 15:41) from Ana Antunes, Chartered Architect: <i>"I can also confirm that no activities have been carried out that result in the loss of onsite biodiversity value"</i> .
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).	-	None reported.
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	Within the Greenlink Ecology Ltd letter report dated 25 th November 2024 and titled 'Re: Land at Northfleet School for Girls, Gravesend'.

We note that biodiversity calculations indicate that there will be a 17.09% biodiversity net gain from proposals. We also note that the habitat proposed for creation is other neutral grassland in good condition which may be challenging given the site use and proposed location. It has been confirmed that it will be possible to retain four trees on-site. We consider it possible to achieve an on-site biodiversity net gain of at least 10%.

If planning permission is granted, the statutory biodiversity gain condition (and its reason for imposition) should not be included on decision notices. Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the biodiversity net gain information which needs to be included on non-exempted decision notices. The Planning Practice Guidance (Paragraph: 026 Reference ID: 74-026-20240214)⁷ provides a link to a document with [suggested paragraphs for Biodiversity Gain Information](#) to fulfil these requirements.

If planning permission is granted, the decision notice must set out (as far as relevant):

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

- Information relating to the biodiversity gain condition, including exemptions to the condition, and transitional provisions in relation to that condition;
- Information to note the effect that section 73(2D) of the Town and Country Planning Act 1990 applies (that an earlier biodiversity gain plan in relation to a previous planning permission is regarded as approved);
- The [planning authority](#) for the purposes of the Biodiversity Gain Plan;
- Requirements relating to [irreplaceable habitats](#); and
- Where [development is to proceed in phases](#), a statement to that effect, and that the development cannot begin before an [Overall Biodiversity Gain Plan](#) and [Phase Biodiversity Gain Plan](#) have been submitted to, and approved by the planning authority, and that a Phase Biodiversity Gain Plan is required to be approved before that phase may begin.

As part of the Biodiversity Gain condition discharge application, the applicant should submit a biodiversity gain plan form⁸ along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered. The biodiversity gain plan must include the following information:

- Information about steps taken or to be taken to minimise the adverse effects of the development on biodiversity;
- The pre-development biodiversity value of the on-site habitat;
- The post-development biodiversity value of the on-site habitat;
- Any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;
- Any biodiversity credits purchased for the development; and
- Any other matters that the Secretary of State may specify.

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant⁹.

Neither the statutory definition of the biodiversity gain plan, nor the current DEFRA biodiversity gain plan template require management and maintenance measures to be specified. Consequently, 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 DEFRA biodiversity gain plan template¹⁰ 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, therefore delivery of the gain envisaged by an HMMP needs to be secured by condition, or legal agreement. Significant

⁸ [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](#)

⁹ Paragraph 14(2) of Schedule 7A Town and Country Planning Act 1990

¹⁰ [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](#)

habitat creation and enhancement on-site can be secured by condition. Guidance on what constitutes significant is available as government standing advice¹¹:

- Significant enhancements contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development and would normally be:
 - Habitats of medium or higher distinctiveness in the biodiversity metric;
 - Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development;
 - Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development;
 - Areas of habitat creation or enhancement which are significant in area relative to the size of the development;
 - Enhancements to habitat condition.

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 HMMP, legal agreement or commitment to maintain them is required.

Achieving a minimum 10% biodiversity net gain from proposals is reliant on implementation of a detailed planting plan and the implementation of a suitable habitat management and monitoring plan¹² secured through planning condition or obligation.

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

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

Bailey Partnership (May 2024) New Teaching and Drama Block. Proposed Site Plan. Northfleet School for Girls.

Bailey Partnership (May 2024) New Teaching and Drama Block. Existing Block Plan. Northfleet School for Girls.

Fisher, M. (May 2024) Gravesham Borough Council. Application for Planning Permission. Northfleet School for Girls.

Greenlink Ecology Ltd (November 2024) Letter Report. Re: Land at Northfleet School for Girls, Gravesend.

Greenlink Ecology Ltd (November 2024) Biodiversity Net Gain (BNG) Baseline Plan. Land at Northfleet School for Girls, Gravesend.

¹¹ [Make on-site biodiversity gains as a developer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/make-on-site-biodiversity-gains-as-a-developer)

¹² [Creating a habitat management and monitoring plan for BNG - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/creating-a-habitat-management-and-monitoring-plan-for-bng)

*Greenlink Ecology Ltd (November 2024) Biodiversity Net Gain (BNG) Proposed Plan.
Land at Northfleet School for Girls, Gravesend.*

Appendix 1 – Suggested Conditions

Biodiversity Gain Plan

The below condition is not a statutory requirement but unless imposed there would be no requirement that the Biodiversity Gain Plan submitted for approval to be in accordance with any biodiversity or ecological information submitted with the planning application.

Suggested Condition Wording:

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain (BNG) Proposed Plan submitted with the planning application, for Land at Northfleet School for Girls, Gravesend, dated 25th November 2024 and prepared by Greenlink Ecology Ltd, unless otherwise agreed in writing with the Local Planning Authority.

Habitat Management and Monitoring Plan

Significant habitat creation and enhancement on-site can be secured by condition. Guidance on what constitutes significant is available as government standing advice¹³. We consider that some of the proposed habitats, e.g., retained and proposed trees, and other neutral grassland, shall likely qualify as significant enhancements and shall need to be effectively secured should planning permission be granted.

To note: The "completion of development" is not defined by the Town and Country Planning Act 1990. Local authorities may wish to agree on the meaning of "completion of development" with applicants and include its interpretation as an informative on decision notices. The "completion of development" could be the full implementation of the permission, but it is possible that a planning permission is never fully implemented (and thereby never triggering the 30-year monitoring period); alternative interpretations could be (but are not limited to) practical completion or first occupation of the development.

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 including the information required by (a) to (e) below, has been submitted to, and approved in writing by, the local planning authority:

- (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 conserve, create and/or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan. This shall include the provision of scaled and detailed soft landscaping plans, as well as planting schedules and any proposed habitat features;*
- (d) The management measures to conserve, maintain and improve habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*

¹³ [Make on-site biodiversity gains as a developer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer)

- (e) *The monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat.*

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed, created and maintained in accordance with 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.

Implementation of Biodiversity Net Gain

To ensure the proposed habitats are created, we recommend a condition for the submission of a completion report to the local authority should planning permission be granted.

Suggested Condition Wording:

Notice in writing and photographic evidence shall be provided to the Council when the habitat creation and enhancement works as set out in the HMMP have been completed.

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

Breeding Birds

Suggested Informative Wording:

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

N.B.: It should be noted that some birds are capable of nesting outside of these times, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.