



ECOLOGICAL ADVICE SERVICE

TO: Alison Webster
FROM: Helen Forster
DATE: 06 January 2025
SUBJECT: Huggens College, Northfleet 20240402

The following is provided by Kent County Council's Ecological Advice Service (KCC EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the county council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application and if sufficient/appropriate ecological information has been provided.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the planning officer, who will seek input from the EAS where appropriate and necessary.

We advise that sufficient information has been provided to determine the planning application.

Biodiversity Net Gain

Under the Environment Act 2021, all planning applications for major development (unless exempt^{1,2}) submitted on or after 12th February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications, unless exempt, submitted on or after the 2nd April 2024.

Having reviewed submitted information, we consider this application to fall under mandatory biodiversity net gain so that mandatory biodiversity net gain of 10% will apply.

Any application which is required to achieve a 10% BNG must submit the following information as a minimum³:

¹ [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain#para11)

² [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain#para11)

³ <https://www.gov.uk/guidance/biodiversity-net-gain#para11>

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);
- 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;
- 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;
- a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

We advise that sufficient information has been provided with regard to mandated BNG.

The metric has detailed that currently the proposal will result in a gain of over 10% for both habitats and linear features and we do agree that this is possible. However it is our view that it will not be possible to create moderate condition lowland meadow within the site and advise that other neutral grassland should be created within the site. We advise that this change will not prevent the site from achieving a BNG for habitats of over 10%.

This change can be addressed within the biodiversity gain plan if planning permission is granted.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here: https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt. The applicant should submit a biodiversity gain plan form⁴ along with

⁴ [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-gain-plan)

supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

We advise that there will be a need for the site to be actively managed if planning permission is granted to ensure the proposed habitats will achieve the conditions detailed within the metric. We advise that if planning permission is granted there is a need for a management plan to be submitted as a **condition** of planning permission.

We have not provided suggested wording as due to the type of site we presume a landscape management condition will be required on this site and a separate ecological management plan is not required. We advise that if planning permission is granted the wording for the management plan **condition** requires it to demonstrate that the habitats detailed in the BNG assessment will be managed appropriately.

Protected/Notable Species

The ecological report has confirmed that there are two common pipistrelle roosts within the site, at least two species of foraging / commuting bats within the site and suitable habitat for breeding birds.

The bat roosts have been recorded within the chapel (which is to be retained) and building 7 (to be demolished). As the bat roost in building 7 was considered to be a small maternity roost we previously advised that a plan demonstrating that a replacement roost will be incorporated in to the buildings must be provide. Additional information has been provided demonstrating that integrated features can be incorporated in to the buildings. We highlight that the replacement features are not located in the same area where the roosts will be lost however as the principle has been demonstrated we are satisfied that the exact location can be agreed within the detailed mitigation strategy.

As European Protected Species are present Gravesham BC must consider whether it is likely that a Natural England mitigation licence will be granted, in so doing it must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *“that there is no satisfactory alternative”*.
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”*

We advise that we are only able to comment on the 3rd test and we advise that GBC can be satisfied that the favourable conservation status of bats can be maintained. If planning permission is granted we advise that there will be a requirement for a detailed mitigation strategy to be submitted as a condition of planning permission.

We suggest the following wording:

Prior to any demolition works commencing on site a detailed bat mitigation strategy must be submitted to the LPA for written approval. It must include the following:

- *Updated Preliminary Roost Assessment*
- *Updated emergence surveys (if needed)*
- *Overview of mitigation required*
- *Detailed methodology to implement mitigation.*
- *Plans demonstrating the location of replacement roosts – within the site and buildings.*
- *Details of who will implemented the works.*
- *Timings of works.*

The plan must be implemented as approved.

Ecological Enhancements

Under section 40 of the NERC Act 2006 and paragraphs 187 and 193 of the NPPF 2024 biodiversity should be maintained and enhanced through the planning system. In addition to BNG we advise that ecological enhancement features must also be incorporated in to the site. If planning permission is granted we recommend that an ecological enhancement plan is included. Enhancements include bat and bird boxes within the site and buildings, insect hotels or log piles within the site. We suggest the following:

Within 3 months of works commencing within the site an ecological enhancement plan must be submitted to the LPA for written approval. The plan must demonstrate how the site will enhance biodiversity through ecological enhancement features within the buildings and site. The plan must be implemented as approved.

Lighting

Common Pipistrelle have been recorded roosting within the site and lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill.

We recommend that if planning permission is granted a bat sensitive **lighting condition** is required. We recommend the following wording:

Prior to occupation a detailed lighting plan must be submitted to the LPA for written approval and it must be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'⁵. The lighting plan must include a site plan showing the location and types of lighting and details of vertical and horizontal light spill. The lighting must not negatively impact any bat roosts or associated flight paths. The plan must be implemented as approved.

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

⁵ ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

Biodiversity Net Gain Report; Kent Sussex Ecology; April 2024

Bat Emergence Survey; Kent Sussex Ecology; October 2023

Preliminary Ecological Appraisal; Kent Sussex Ecology; July 2023