



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher
FROM: Helen Forster
DATE: 26 June 2024
SUBJECT: Kesson House, Northfleet 20240473

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 additional information is required prior to determination of the planning application.

Bats

The buildings have been assessed as having moderate potential to be used by roosting bats and bat emergence surveys have been recommended. We advise that the results of the recommended bat surveys and details of any mitigation must be submitted to the LPA prior to determination of the planning application.

This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005¹ 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*".

Biodiversity Net Gain

Pre-development biodiversity value

¹ [odpm-circ-0605.qxd \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/36400/odpm-circ-0605.qxd)

The site was surveyed to support this planning application March 2024. This shows much of the site to comprise ephemeral/ruderal herb habitat as shown in the habitat plan dated 27th March 2024 within the Preliminary Ecological Appraisal and Roost assessment.

However, aerial imagery shows that at some time August 2022 and March 2024 trees and vegetation had been cleared from the site.

The application form for this application asks the applicant: *“Has there been any loss (or degradation) of any onsite habitat(s), resulting from activities carried out before the date the onsite predevelopment biodiversity value was calculated. Either:*

- *on or after 30 January 2020 which were not in accordance with a planning permission; or*
- *on or after 25 August 2023 which were in accordance with a planning permission?”*

We note that the applicant has responded ‘No’ to this question. We believe this to be incorrect based on objective evidence available on the planning portal and associated with documents as well as through aerial imagery available on Google Earth Pro.

Paragraph 6 of Schedule 7A of the Town and Country Planning Act 1990 makes provision relating to unauthorised habitat degradation, and Paragraph 6A of the 1990 Act makes provision relating to degradation taking place which is in accordance with a planning permission². Where unauthorised degradation of the onsite habitat has taken place on land after 30 January 2020, the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. Unauthorised degradation of onsite habitat is any degradation which is not in accordance with a previous planning permission. Additionally, if activities to implement or in connection with a planning permission are carried out after 25 August 2023 that lower the biodiversity value of the onsite habitat, the pre-development biodiversity value of the onsite habitat is taken to be the biodiversity value immediately before the carrying out of the activities.

If there has been degradation and there is insufficient evidence about the biodiversity value of the onsite habitat immediately before the degradation, the pre-development biodiversity value of the onsite habitat must be taken to be the highest biodiversity value of the habitat which is reasonably supported by any available evidence relating to it. This requirement must be applied to the calculation of pre-development biodiversity value in the [metric tool](#), and the Biodiversity Gain Plan template asks for information regarding whether there has been prior habitat degradation.

For the purposes of submitting a planning application, where degradation activities have taken place (as listed above) before the submission of the application or an earlier [proposed date](#), the applicant must provide:

- a statement setting out that these degradation activities have been carried out;
- confirmation of the date immediately before these activities were carried out;
- the pre-development biodiversity value of the site on this date;

² [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-net-gain)

- the completed metric calculation tool showing the calculations, and
- any available supporting evidence of this.

In light of the available evidence, we consider that the biodiversity metric tool needs to be re-run with new baseline information, and the date for the onsite pre-development biodiversity value needs to be changed to an earlier date.

It is our view that the biodiversity loss of the site will be higher than the 9% loss currently calculated using the metric.

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

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal and Roost Assessment; Arbtech; March 2024
- Biodiversity Net Gain Report; Arbtech; May 2024