

Delegated Report

Application No:	20251115
Location:	Kimberly Clark Ltd, Northfleet Mill, Crete Hall Road, Northfleet DA11 9AD
Description:	Details of Biodiversity Gain Plan pursuant to planning permission 20250406 for development of a pulp laydown area and associated infrastructure.
Applicant:	Mr Craig Allison, HYRO Energy Ltd.

Submitted Documents/Plans

Northfleet Pulp Storage Site Preliminary Ecological Appraisal
BNG Metric
Biodiversity Gain Plan
Biodiversity Unit Purchase Certificate
Details of off-site (Section 106 agreement, post development plan, BNG map)

Relevant Planning History

20250406 Development of a pulp laydown area and associated infrastructure.
Approved 1 October 2025

Consultations, Publicity and Representations

KCC Biodiversity 24 February 2026 (Final Comment)

BIODIVERSITY GAIN CONDITION DISCHARGE

This development requires a 10% mandatory biodiversity net gain under legislation.

The general biodiversity gain condition as per Schedule 7A, Section 13(1) of the Town and Country Planning Act 1990 is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

We have reviewed the submitted documents (Biodiversity Gain Plan and Statutory metric) in relation to the general biodiversity gain condition of permission 20250406 and advise that insufficient information has been provided to discharge the deemed condition for the following reason:

- Evidence to demonstrate that the off-site units purchased have been registered on the national register.

Information has been submitted to show that an off-site habitat bank will be used to achieve the required BNG. However, it is not currently clear that the biodiversity gain has been registered on the biodiversity gain site register. Although a biodiversity unit purchase certificate has been submitted with condition discharge application, along with the gain site reference number: BGS-280824001, on review of the allocations for this gain site, 20250406 for Gravesham Borough Council does not feature as an allocation. We suspect there is a lag between the biodiversity unit purchase and allocation on the gain site register. However, it would be preferable to confirm the allocation is official prior to condition discharge. We carried out a check of BNG: Biodiversity gain site records on 24th February 2026.

Table 1 shows a summary of the information as submitted. Further details are provided in Table 2.

Table 1: To show a summary of our review of submitted 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%	+11.15%	N/A	2 – no significant on-site habitat, all biodiversity net gain provided off-site.	No

Detailed Comments

Legislation and government standing advice indicates that the information shown in Table 2¹ needs to be submitted to and approved by the local planning authority as part of the 'deemed condition' biodiversity gain plan prior to commencement of development.

References to the biodiversity value of any habitat or habitat enhancement are to its value as calculated in accordance with the biodiversity metric. As such, a copy of the completed biodiversity metric calculation tool, in excel spreadsheet format, has been submitted as part of this submission in conjunction with the biodiversity gain plan. The local planning authority must approve the biodiversity gain plan; without approval, the development may not commence.

Table 2: To show the information required for the biodiversity gain plan under legislation and as indicated by government standing advice, and whether the submitted information is sufficient.

Information Needed	Provided	Comments
The steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat. And, (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that.	Yes	The applicant is required by law to deliver biodiversity gains in accordance with the biodiversity gain hierarchy, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 Section 37A. We are satisfied that the applicant has appropriately applied the hierarchy to this development.
The relevant date , for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an	Yes	With the original application, the applicant provided the date of 28 th April 2023 as the date of the pre-development biodiversity

¹ For development not proceeding in phases. For phased development there are different requirements for the Biodiversity Gain Plan.

earlier date, the reasons for using this earlier date.		site walkover. This walkover informed the biodiversity metric calculations. This was considered acceptable to inform the application.
The completed biodiversity metric calculation tool(s) , stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date , and post-development biodiversity value. And, evidence that biodiversity gain objective can be met.	Yes	We have reviewed the metric and we are satisfied that it has been correctly filled in and no amendments are required. We understand that the entire site area (0.51 ha) will comprise built surfaces post-construction. As such, detailed landscaping plans are not required and we can be confident with regards to the post-development on-site habitats. The post-development on-site habitats are likely to have zero biodiversity value.
Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date , and drawn to an identified scale and showing the direction of North.	Yes	A pre-development habitat plan is available within the submitted preliminary ecological appraisal. A post-development habitat plan has not been produced to align with the biodiversity metric calculation tool's habitat types. However, the post-development plan shown in the preliminary ecological appraisal does indicate that the site will have no biodiversity value post-development so we are satisfied with the plans provided.
A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date , and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat, arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.	N/A	None present on site
If habitat degradation has taken place: • a statement to this effect, • the date immediately before the degradation activity, • the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and • any available supporting evidence for the value.	Yes	We understand that no habitat degradation was approved as part of the parent permission, and no habitat degradation had taken place in advance of setting the habitat baseline.
Where any registered off-site biodiversity gain is specified in the plan and allocated to the development: - o The registered off-site biodiversity gain is so allocated (and, if the allocation is conditional, that any conditions attaching to the allocation have been met, or will be met by the time to development begins), and - o The registered off-site biodiversity gain has the biodiversity value specified in the plan in relation to the development.	No	We advise that we are satisfied that an off-site BNG of at least 10% can be achieved. An off-site habitat bank will be used to achieve the BNG, however, it is currently not clear that the biodiversity gain has been registered on the biodiversity gain site register. Although a biodiversity unit purchase certificate has been submitted with condition discharge application, along with the gain site reference number: BGS-280824001, on review of the allocations for this gain site, 20250406 for Gravesham

		Borough Council does not feature as an allocation. We suspect there is a lag between the biodiversity unit purchase and allocation on the gain site register. However, it would be preferable to confirm the allocation is official prior to condition discharge. We carried out a check of BNG: Biodiversity gain site records on 24th February 2026. We are satisfied that the reasons for using a BNG habitat bank are appropriate for this application.
Evidence that any biodiversity credits specified in the plan have been purchased.	N/A	
Name and address of the person completing the Plan, and (if different) the person submitting the Plan.	Yes	
A description of the development and planning permission reference number (to which the Plan relates).	Yes	
A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed).	Yes	

KCC Biodiversity 22 December 2025 (First Comment)

The following comments are valid for both applications. We understand that since both applications has been submitted it is not possible to achieve a BNG of over 10% on either site within the applicants landholdings. Therefore it is proposed to do BNG on land outside the applicants ownership.

BIODIVERSITY GAIN CONDITION DISCHARGE

This development requires a 10% mandatory biodiversity net gain under legislation.

The general biodiversity gain condition as per Schedule 7A, Section 13(1) of the Town and Country Planning Act 1990 is that the development may not be begun—

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

We have reviewed the submitted documents (Biodiversity Gain Plan and Statutory metric) in relation to the general biodiversity gain condition of permission 20250406 and 20250251 and advise that insufficient information has been provided to discharge the deemed condition for the following reasons:

- the metric has not been submitted or alternatively uploaded on to the planning portal.
- It is not appropriate for statutory credits to be used for this site
- Details of the off site habitat bank has not been provided
- Evidence to demonstrate that the off site units purchased have been registered on the national register.

The submitted information has detailed that statutory credits will be used and it is our view that this is not an appropriate approach. The gov.uk Guidance (Statutory biodiversity credits - GOV.UK) details that statutory credits can only be used if the following criteria have been met:

1. Evidence that they considered on-site BNG and the reasons why this is not possible.
2. Evidence that the developer approached 3 local or national suppliers, habitat banks or trading websites and that insufficient off-site options are available in England. For example, correspondence emails or a PDF download showing a marketplace search.

The PEA details that the development sites support modified grassland, mixed scrub and tall ruderal and therefore we advise that will be possible to purchase off site units for these habitats and therefore the criteria for purchasing statutory credits cannot be met.

We advise that the following information is required to discharge the condition:

- Excel statutory metric
- Details of the off site habitat bank
- Correctly filled in biodiversity gain plan
- Evidence that the units purchased has been registered on the national register (Search the biodiversity gain sites register - GOV.UK)

Analysis

In England, biodiversity net gain is required under a statutory framework introduced by [Schedule 7A of the Town and Country Planning Act 1990 \(inserted by the Environment Act 2021\)](#). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, [subject to some exceptions](#), every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. There are exemptions and transitional arrangements which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats. The statutory framework for biodiversity net gain also includes provisions about information requirements for planning applications and the treatment of the condition on decision notices on the grant of planning permission.

The relevant primary legislation for the statutory framework for biodiversity net gain is principally set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

Part 2 of schedule 7A of the Act sets out the required condition:

General condition of planning permission

13(1) Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition in sub-paragraph [\(2\)](#).

(2) The condition is that the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph [14](#)), and

(b) the planning authority has approved the plan (see paragraph [15](#)).

The information submitted is acceptable. The County Ecologist had initially raised concerns that the BNG credits were not on the database. However the applicant confirmed on 2 March 2026 that these are now on the database and supplied the screenshot below:

Planned habitat

Planned habitat enhancements from this gain site that have been allocated to a development

Local Planning Authority	Gravesham LPA
Planning reference number	20250251
Project name	Kimberly Clark Ltd Northfleet Mill DA11 9AD

Biodiversity value

Habitat type	Value
Area	0.43

Area	Condition	Area in hectares (ha)
Heathland and shrub - Mixed scrub	Moderate	0.0251
Grassland - Other neutral grassland	Good	0.0921
Total		0.12

The Council Ecologist has confirmed that this is accepted. The condition can therefore be discharged.

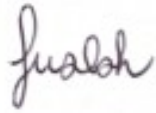
Recommendation:

Discharge the standard Biodiversity Net Gain condition.

See draft Decision

Case Officer: Alison Webster	Team Leader: Faye Walsh
Signed: 	Signed:



	
Dated: 9 March 2026	Dated: 09 March 2026