



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher

FROM: Helen Forster

DATE: 10 October 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 sufficient information has been provided to determine the planning application.

Protected Notable Species

The ecological information has detailed that common pipistrelle are roosting within the site and there is suitable habitat within the site to support breeding birds, badgers and hedgehogs. No bats were recorded roosting within the building.

We are satisfied that a detailed mitigation strategy is not required as part of this application but the recommended precautionary mitigation for breeding birds, badgers and hedgehogs must be included within the **construction management plan** and this requirement must be included within the **condition** wording.

Biodiversity Net Gain

An updated BNG assessment has been submitted and it has used the habitats likely to be present within the site prior to the site being cleared some time August 2022 and March 2024.

This approach has been taken as 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 permission¹. 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.

We have reviewed the submitted metric and we agree that a BNG of over 10% can be achieved within the site. The original metric submitted suggested that there would be a 9% loss of habitats on the site but the reason for the change is because the updated BNG details that 9 small trees will be planted within the site around the car parking area in the south. The planting of trees within the site is supported by the General Arrangement Plan.

The metric details that areas of vegetated garden in the east of the site will be retained/created. These are areas which are directly adjacent to car parking areas. Therefore are likely to be planted up with shrubs rather than being a formal garden. We advise that that when the biodiversity gain plan is submitted the metric makes the amendments. We do not think the change will prevent the site from achieving a gain of over 10%

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 form² along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

There will be a need for the habitats created on site to be managed appropriately. However as the area will be primarily managed from an amenity perspective we have not provided suggested condition wording. However we advise that there will be a need for a **condition** to be included requiring a management plan to be produced and implemented.

Lighting

Bats were recorded 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 the **lighting condition** has the following requirements:

- 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*'³

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

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

³ ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)

- Downward facing and on motion sensors
- Plan showing the location and types of lighting and anticipated light spill.

Ecological Enhancements

Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023 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.

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 and provide details of ecological enhancement features within the buildings and site. The plan must be implemented as approved.

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
 - Bat Emergence Survey; Arbtech; June 2024
 - Letter from Arbtech dated 10th September
 - BNG metric – submitted September 2024
 - Landscaping Plan; August 2024; atelier - sm (architects)
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