



ECOLOGICAL ADVICE SERVICE

TO: Kelly Joyce
FROM: Emma England
DATE: 30 January 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 – ADDITIONAL INFORMATION REQUIRED

We have reviewed the information submitted by the applicant and advise that additional information is required prior to determination of the application:

- Confirmation that four of the five trees can be retained on-site;
- Confirmation that mandatory 10% biodiversity net gain applies to this application and that it was submitted on or after 2nd April 2024; and
- A statement whether activities have been carried out prior to the date of the application (or earlier proposed date) that result in loss of onsite biodiversity value as per the table below.

If all trees need to be removed from the site to facilitate the development, it is likely that off-site compensation will be required to achieve a 10% biodiversity net gain.

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

Under the National Planning Policy Framework (NPPF) 2024, proposals achieving a biodiversity net gain with no specific percentage target should be viewed favourably¹.

Under the Environment Act 2021, all planning applications for development (unless exempt^{2,3}) 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 for both mandatory 10% biodiversity net gain exempted and non-exempted developments to meet necessary protected and/or priority species mitigation/compensation, and/or to contribute to biodiversity enhancements⁴ as per the NPPF 2024 and to help meet the public authority biodiversity duty⁵.

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...”*

Once the further information is received, we can we advise regarding condition/informative wording should planning permission be granted.

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.

Under the National Planning Policy Framework 2024, proposals achieving a biodiversity net gain with no specific percentage target should be viewed favourably⁶. Under the

¹ Appeal decisions (Planning Inspectorate (2022). Appeal Decisions APP/Y3940/W/21/3278256, APP/Y3940/Q/21/3278923, APP/Y3940/W/21/3282365) have clarified that:

- “Paragraph 174 [now 187] of the Framework [the NPPF encourages applicants to], ... seek a net gain in biodiversity without identifying a specific percentage...”
- The relevant Core Strategy may “...seek a net gain in biodiversity without identifying a specific percentage...”; and
- “A net gain of just 1% would be policy compliant....”

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

³ [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2024/125/contents/part-2/section-1)

⁴ Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation.

⁵ [Complying with the biodiversity duty - GOV.UK](https://www.gov.uk/guidance/complying-with-the-biodiversity-duty)

⁶ Appeal decisions (Planning Inspectorate (2022). Appeal Decisions APP/Y3940/W/21/3278256, APP/Y3940/Q/21/3278923, APP/Y3940/W/21/3282365) have clarified that:

- “Paragraph 174 [now 180] of the Framework [the NPPF encourages applicants to], ... seek a net gain in biodiversity without identifying a specific percentage...”
- The relevant Core Strategy may “...seek a net gain in biodiversity without identifying a specific percentage...”; and
- “A net gain of just 1% would be policy compliant....”

Environment Act 2021, all planning applications for minor development (unless exempt^{7,8}) submitted on or after 2nd April 2024 in England, will have to deliver at least a 10% biodiversity net gain. 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'⁹ 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 whether and how the applicant has demonstrated the capability of providing a biodiversity net gain of 10% in line with the minimum requirements prior to determination¹⁰.

Information Needed	Provided	Comments
Confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition.	No	The application form indicates that the temporary small sites exemption applies to proposals. The application form is dated 10 th May 2024. If the application was submitted on or after 2 nd April 2024, then a mandatory 10% biodiversity net gain will apply to proposals.
The pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate) .	Yes	
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;	No	This statement is normally provided on the application form. This statement needs to be provided.

⁷ [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain#para11)

⁸ [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain#para11)

⁹ [Make on-site biodiversity gains as a developer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain#para11)

¹⁰ <https://www.gov.uk/guidance/biodiversity-net-gain#para11>

- 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).	-	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. We also note that the metric indicates that only one tree will be removed to facilitate the development. Given the small size of the site, movement of bund and spoil to cover around 50% of the site, and proposed building and hardstanding across the remaining 50%, we query whether it is realistic that four trees are to be retained on-site.

If all five existing trees on-site require removal then achieving a 10% biodiversity net gain within the red line boundary is likely to be very challenging and off-site compensation is likely to be required.

Paragraph: 019 Reference ID: 74-019-20240214¹¹ of the government standing advice states: *"The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development. The determination of the Biodiversity Gain Plan under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the Biodiversity Gain Plan is approved.*

Given this, it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met.

However, decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. Matters for consideration may include the following (but this is not an exhaustive list):

- The appropriate balance expected between onsite gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy;*

¹¹ [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/standing-advices/biodiversity-net-gain)

- *Whether the type and location of any significant onsite habitat enhancements proposed for onsite gains are appropriate, taking into account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives (for example policies for design, open space and recreation, and retention of trees); and*
- *Any planning conditions which need to be imposed to secure any significant onsite habitat enhancements, including any conditions requiring the maintenance of the enhancement for at least 30 years after the completion of the development.*

Prior to the determination of the planning application, decision makers will also want to [discuss with the applicant](#) whether any section 106 planning obligations are required to secure either significant onsite habitat enhancements or offsite gains for the development.

For some planning applications (for instance, applications for outline planning permission where landscaping and layout are reserved matters), the implications for existing onsite habitats and the contribution to onsite gains may be uncertain at the time of the determination of the application. In these cases, decision makers may want to consider what subsequent approvals will be necessary to ensure significant onsite habitat enhancements are appropriately secured.

Onsite habitat enhancements to support the biodiversity gain objective may have positive implications for other policy objectives which may need to be taken into account as part of the determination of the planning application. For example, such as delivering wider benefits to landscaping, amenity, and climate change adaptation”.

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)¹² 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):

- 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

¹² [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#)

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 form¹³ 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 covenant¹⁴.

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 template¹⁵ 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 habitat creation and enhancement on-site can be secured by condition. Guidance on what constitutes significant is available as government standing advice¹⁶:

- 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;

¹³ [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-gain-plan)

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

¹⁵ [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-gain-plan)

¹⁶ [Make on-site biodiversity gains as a developer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/make-on-site-biodiversity-gains-as-a-developer)

- 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.

Where 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 plan¹⁷ secured through planning condition or obligation, we can provide suggested condition wording in line with the Planning Advisory Service on request.

Where off-site habitat creation is required, we direct the applicant towards the Kent Biodiversity Net Gain Site Register¹⁸ available on the Making Space for Nature in Kent and Medway website. Biodiversity Net Gain Guidance for Kent is also available on this website.

Off-site gains/the purchase of biodiversity credits will need to be subject to a deed of conservation covenants or Section 106 (as appropriate). Off-site gains must be registered¹⁹ after determination. Section 106 agreement templates are available on the Planning Advisory Service website²⁰.

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.

¹⁷ [Creating a habitat management and monitoring plan for BNG - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-bng)

¹⁸ <https://www.makingspacefornaturekent.org.uk/bng/kent-biodiversity-net-gain-site-register/>

¹⁹ [Register a biodiversity gain site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/register-a-biodiversity-gain-site)

²⁰ [PAS Biodiversity Net Gain \(BNG\) Legal Agreement and Planning Condition Templates | Local Government Association](https://www.localgovernmentassociation.org.uk/resources/biodiversity-net-gain/)

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

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