



ECOLOGICAL ADVICE SERVICE

TO: *Ethan Bonthron*

FROM: *Helen Forster*

DATE: *20 January 2026*

SUBJECT: *107 Vale Road, Northfleet 20241170*

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 have reviewed the submitted information and are satisfied that sufficient information has been submitted to determine the planning application.

A BNG assessment has been undertaken, and whilst we are satisfied that baseline habitats have been recorded accurately, we advise that the post-development habitat creation in regards to individual trees cannot be secured due as it is within residential curtilage. There is therefore likely to be a small unit deficit onsite which will need to be offset through obtaining offsite units or statutory credits.

Protected/Notable Species

Bats

When we previously commented we advised that no ecological information had been submitted with this application. As a result of reviewing the data we have available to us, we advise that the proposed development has the potential to adversely affect roosting bats and recommended a bat roost assessment was required and this has subsequently been submitted.

The report has detailed that a number of small gaps/cracks are present within the building but we agree with the conclusions of the report that it is unlikely that bats are roosting and no emergence surveys are required.

The presence of roosting bats can never been ruled out and we advise that if bats are found during works all works must cease and an ecologist contacted for further advice.

The presence of bats within the site/surrounding area cannot be ruled out and we advise that if planning permission is granted the following requirements for the lighting **condition** are included:

- 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'¹
- Site plan showing the location and types of lighting
- Plan showing lux levels due to the anticipated light spill

Breeding Birds

It is possible that nesting bird may be present within the site. Therefore we recommend the following information is included.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

N.B.: It should be noted that some birds are capable of nesting outside of these times, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.

BIODIVERSITY NET GAIN

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications⁵⁸ for development (unless exempt^{59,60}), must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development. Having reviewed submitted information⁶¹, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.

¹ ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)

Any application which is required to achieve a 10% BNG must submit the following information as a minimum²:

- 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 have reviewed the submitted information and we are satisfied that sufficient information has been submitted to meet the requirements for mandatory net gain.

A small sites metric assessment (August 24) has been submitted, which anticipates net gains of 0.0127 habitat units (42.14%). This gain primarily comes from new tree planting however it is not possible to deliver biodiversity gains in private gardens as any habitats created/enhanced cannot be legally secured for 30 years. Generally, all habitat within private gardens should be considered 'vegetated garden' (as required under the Statutory Biodiversity Metric User Guide, page 51) in the habitat creation/enhancement tabs of the biodiversity metric. The User Guide states:

² <https://www.gov.uk/guidance/biodiversity-net-gain#para11>

The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either:

- 'urban – vegetated garden'; or
- 'urban - unvegetated garden'

You should not:

- **record the creation of any other new habitats within private gardens [this includes the planting of any trees]**
- record enhancement of any habitat within private gardens
- small trees shouldn't be recorded in garden baseline

However, habitats which are recorded in the baseline and remain within a private garden may be recorded as retained. Guidance on retention should still be followed. We therefore advise that vegetated garden habitats and developed land should be included as retained where applicable, and that no new tree planting is included within habitat creation.

We advise that the proposed habitat sizes must be re-measured prior to the submission of the biodiversity gain plan as the metric currently suggests that a larger area of grassland will be created than will be lost. As the proposed dwelling footprint is larger than existing footprint it is unlikely.

If it can be demonstrated that onsite biodiversity gains are not possible, and where there is a unit deficit smaller than 0.25 biodiversity units (area or linear), the applicant may go straight to purchasing statutory biodiversity credits in order to avoid offsite units and Section 106 agreements. Statutory credits are intentionally marked up in price to prevent undercutting the off-site market; these prices are reviewed every 6 months. Prices are available here: [Statutory biodiversity credit prices - GOV.UK](#).

We advise the matter of how a BNG of 10% can be achieved can be addressed via the biodiversity gain plan submission if planning permission is granted. We advise that if off site habitat creation (rather than statutory credits) are used details must be registered on the biodiversity gain site register **prior to** the submission of the biodiversity gain plan (if granted). [Search the biodiversity gain sites register - GOV.UK](#)

Further details of off site habitat creation can be found at the end of the report.

The development, if permitted, will be subject to the deemed condition of planning permission relating to biodiversity gain as per Schedule 7A 13(1) of the Town and Country Planning Act 1990. The condition 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.

The condition cannot be varied or removed. An application must be made to discharge it as any other condition. We recommend it is referred to in decision notices in the form of an informative. The government's published Biodiversity Gain Plan (BGP) template should be used to discharge it: [Biodiversity gain plan - GOV.UK](#). Please note that the submission of the finalised Statutory Biodiversity Metric/BGP is required by law prior to the commencement of any development.

However to ensure that the biodiversity gain plan is based on the information submitted as part of the current planning application the following condition can also be included:

The Biodiversity Gain Plan shall be prepared in accordance with the baseline information within the Small Site Metric dated August 2025 and prepared by James Forster

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

Helen Forster
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Planning Statement (Frankham Projects, Dec 24)
- Design and Access Statement (Frankham Projects)
- BNG Small Sites Metric (August 24)
- Preliminary Bat Roost Assessments; Consult Sustain October 2025

OFF-SITE GAINS (NEEDS TO BE REGISTERED)

'Off-site' biodiversity gains are any BNG measures proposed outside of the red line boundary. The statutory Biodiversity Gain Plan (BGP) must contain the biodiversity gain site register reference number for any offsite units if these are used. BNG sites must be registered here: [Register a biodiversity gain site - GOV.UK](#).

If off-site habitat creation is required, we direct the applicant towards the Kent Biodiversity Net Gain Site Register⁶⁹ available on the Making Space for Nature in Kent and Medway website. Biodiversity Net Gain Guidance for Kent is also available on this website.

If any off-site habitat creation/enhancement is proposed outside of the LPA boundary/National Character Area of the impact site these will be subject to spatial risk penalties.

Where off-site gains are secured on land owned by the developer (but outside the redline boundary), or on third-party land (but not through a 'habitat bank operator'⁷⁰), the biodiversity net gain needs to be subject to a deed of conservation covenants or Section 106 (as appropriate). Section 106 agreement templates are available on the Planning Advisory Service website. It is generally inappropriate to rely solely on conditions to secure off-site biodiversity net gain. The following needs to be secured as part of the off-site biodiversity net gain:

- *The submission of a habitat management and monitoring plan (HMMP);*
- *Notice of HMMP implementation and completion of the habitat creation and enhancement works;*
- *Timescales for completion of habitat creation, and the submission of a completion report;*
- *Submission of a monitoring report;*
- *A habitat monitoring fee to be paid to the local planning authority on every habitat management monitoring event.*

The HMMP shall be submitted when the general BNG condition is discharged and shall contain the following information ⁷¹:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Where off-site gains are to be secured through a 'habitat bank operator' (which has its own legal agreement and HMMP), no additional conditions or section 106 obligations are required, above a condition requiring biodiversity net gain to be delivered as set out in the planning application.

The submission of provisional/draft legal documents outlining the agreement between the applicant and the provider of any off-site gains are advisable prior to determination to confirm that the proposed route to delivering net gain is feasible, but this information is not required until submission of the pre-commencement Biodiversity Gain Plan.