



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher

FROM: Lucy McGinley

DATE: 07 July 2026

SUBJECT: 20260415 – Kimberly Clarke Ltd, Northfleet

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 –

We have reviewed the information submitted by the applicant and advise that sufficient **ecological and biodiversity net gain** information has been provided for determination. Recommended **condition/informative** wording is provided below.

A summary of our review of the submitted biodiversity net gain information is provided below. Detailed comments on the submitted ecological and biodiversity net gain information follow the subheadings below.

Table 1: To show a summary of our review of submitted biodiversity net gain 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%	-26.16%	NA	2 – no significant on-site and off-site	No

Using the national and local guidance regarding significance, we consider that the on-site biodiversity net gain (excluding private gardens) should not be treated as on site significant.

BATS

Bats are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species of bat (e.g., Bechstein's, noctule, soprano pipistrelle, brown long-eared) are also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance (aka. Priority Species) for conservation. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity. Government standing advice indicates that local planning authorities must have regard for the conservation of Section 41 species and all bat species as part of their planning decisions¹⁸.

The Preliminary Ecological Assessment (PEA) highlights that the surrounding area has high bat activity, with there being previous need for an European Protected Species License (EPSL) within a 2km radius, with the nearest site being 580m West of the site. The Preliminary Roosting Assessment of the building was deemed 'negligible' for bats due to sealed external points with a cement roof, as well as some exposed features that do not lead deeper into the building being South-East or West facing, which would not be ideal for bats.

Whilst we argue that considerations should usually be considered for these features, we believe that based on the industrialised area and high disturbance, as well as the lack of surrounding suitable habitat, it is unlikely that bats would be using the building as a roost. As such we are satisfied that no further surveys are required and sufficient information has been provided. We condition that a Precautionary Working Methods Statement (PWMS) and an artificial lighting strategy be provided to account for foraging and commuting bat species within the area.

GREAT CRESTED NEWTS

Great crested newts (GCN) are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

Great crested newts are also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as a Species of Principal Importance for conservation. Local planning authorities must have regard for the conservation of Section 41 species as part of their planning decisions⁷⁰.

The submitted ecological report has outlined that the proposed development has the potential to have detrimental effects on great crested newts (GCN).

The application site lies within 250 metres of at least 1 ponds/waterbodies and is within a Green Risk Zone within the GCN Risk Zones for Kent⁷¹. Green zones contain sparsely distributed GCN and are less likely to contain important pathways of connecting habitat for this species.

The PEA highlights the pond due to it being 25m from the application site, however due to a lack of suitable terrestrial habitat of grassland, varied hibernacula, and shrub areas, it is extremely unlikely that GCN would be found, with which we agree.

We are satisfied with the information provided and suggest a Precautionary Working Methods Statement (PWMS) be conditioned to consider the species.

PRECAUTIONARY WORKS METHOD STATEMENT

We understand that the site is a low-risk area due to the high urbanisation and disturbance in the application site. Therefore, to protect from limited adverse impacts to protected species during clearance and construction we recommend a precautionary works method statement is a condition with the suggested wording below.

Suggested Condition Wording:

From commencement of works (including site/vegetation clearance), and for the duration of construction, all mitigation for bats, breeding birds, and great crested newts shall be carried out in accordance with the details contained in sections 5, table 9 of the PEA.

ARTIFICIAL LIGHTING

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows¹¹. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2024.

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission.

LIGHTING PLAN REQUIRED

Suggested Condition Wording:

Prior to occupation, a lighting design plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c). With consideration for bats and other nocturnal wildlife in accordance with the NPPF 2024, paragraph 187(d).

BIODIVERSITY NET GAIN

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications¹⁰⁷ for development (unless exempt^{108,109},) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development.

Significant on-site gains, and all off-site gains will need to be secured for at least 30 years.

Having reviewed submitted information¹¹⁰, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.

We have produced the following table to aid the local planning authority in ascertaining whether sufficient BNG information has been submitted:

Table 2: *To show whether the applicant has met the minimum validation requirements, expected information standards in line with planning practice guidance and any applicable national or local policies.*

Information Needed	Provided	Comments
Confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition.	Yes	
The pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate) .	Yes	A site visit was carried out by a suitably qualified ecologist on 09/04/26. This is considered acceptable to inform the habitat baseline for this application given the site size, location and habitats reported.
Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.	Yes	Previous date of 04/02/26 used, due to 0.1 habitat units lost for removal of scrub area, which is accounted for within the metric as a loss of habitat units.
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.		The site is 0.41 hectares in size, according to the information in the application form. The habitat area reported in the biodiversity metric calculation tool matches the reported red line boundary site area as per the application form. <u>Baseline Habitats</u> We are content with the baseline habitat classifications. We highlight to Gravesham Council that the Kent and Medway Local Nature Recovery Strategy (LNRS) was published 28th November 2025. The LNRS changes how strategic significance is considered and any BNG assessments produced after the LNRS was published

		can no longer use <i>Location ecologically desirable but not in local strategy</i>. All baseline information must be set to <i>Area/compensation not in local strategy/ no local strategy</i> The baseline information has correctly reflected the published LNRS requirements.
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.	Yes	Reported loss of 0.1 ha of scrub within application form and PEA, dated 09/04/26. This has been accounted for within the metric
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).	N/A	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	

Post-development Habitats

Habitat Creation and Enhancement Tabs

We consider that the proposed habitat creation/enhancement and proposed uplift of 10% BNG is not achievable and realistic on site. As such, off-site biodiversity net gain will be required – further details on offsite BNG can be found at the end of the report.

We advise that it is our view that the proposal does not meet the requirements of onsite significant and does not need to be secured for 30 years. However, we advise that the proposed habitat will have to be managed, and we have recommended a LEMP Condition.

Information has been submitted with this application to give confidence that the biodiversity gain hierarchy can be effectively applied to this application, and how conditions should be applied should planning consent be granted. Details of the BNG hierarchy can be found at the end of the report.

Deemed Condition

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. If planning permission is granted, the statutory biodiversity gain condition (and its reason for imposition) should not be included on decision notices as a condition. We recommend it is included in decision notices in the form of an informative.

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)¹ provides a link to a document with [suggested paragraphs for Biodiversity Gain Information](#) to fulfil these requirements.

Biodiversity Gain Plan – suggested condition

The following condition is not a statutory requirement but unless imposed there would be no requirement that the Biodiversity Gain Plan submitted for approval to be in accordance with any biodiversity or ecological information submitted with the planning application.

The Biodiversity Gain Plan shall be prepared in accordance with the baseline information within table 9 of the PEA for Kimberly Clarke Ltd site, dated 07/04/26 and prepared by RSK Biocensus.

BIODIVERSITY GAIN PLAN

Single Phase Development

Suggested Condition Wording:

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Report information for Kimberly Clarke Ltd, dated 09/04/26 and prepared by RSK Biocensus.

Reason: To ensure the proposals are in accordance with details submitted and considered as part of the planning application.

The above condition is not a statutory requirement but unless imposed there would be no requirement that the Biodiversity Gain Plan submitted for approval to be in accordance with any biodiversity or ecological information submitted with the planning application. This condition may not be appropriate for some outline planning permissions where the post-development biodiversity value will not be known until reserved matters have been approved.

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

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

Suggested Condition Wording:

Prior to any landscaping works commencing on site a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The plan shall accord with the measures outlined in the X associated with the planning application and shall include details of the following:

- a. Habitat creation measures, including full details of tree, shrub and hedgerow planting, modified grassland creation and aquatic planting around SuDS features;*
- b. A full planting schedule utilising primarily native species;*
- c. Full elevations plans detailing the model and location of integral swift boxes in accordance with BS 42021:2022 (north/east facing, 4m from the ground and with unobstructed access);*
- d. Details of externally-mounted bat and bird boxes which are to be of durable construction and suitably located;*
- e. Locations of 13×13cm holes in closeboard fencing provided for hedgehogs*
- f. Rolling, long-term maintenance measures covering up to a 30-year period; and*
- g. Details of responsible persons.*

The approved plan shall be implemented as described and retained thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

EVIDENCE OF IMPLEMENTATION - LEMP

Suggested Condition Wording:

Within twelve months of first use of the development hereby approved, photographic evidence of the implementation of such habitat creation and biodiversity enhancement measures as are required by condition of the LEMP condition shall be submitted to the local planning authority for approval. The approved measures shall be thereafter retained.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

ENHANCEMENTS UNRELATED TO BNG (NON-BNG)

Other biodiversity enhancement measures, which are unrelated to BNG, are detailed in the submitted in Section 4.6 within the PEA and include the following:

- Provisions of a sensitive lighting plan
- Provisions of bird and bat boxes to increase nesting/roosting opportunities
- Provisions of log piles and generation of hibernacula for reptiles and amphibians

We support the inclusion of these enhancements into the proposed development as they accord with paragraph 187(d) of the NPPF 2024, which states: *“Planning policies and decisions should contribute to and enhance the natural and local environment by ... 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 hedgehogs.” The implementation and retention of these enhancements should be secured via planning condition and evidenced via the LEMP.

BIODIVERSITY GAIN HIERARCHY

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. The hierarchy is summarised as:

- **Avoid:** Avoiding adverse effects of the development on on-site habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than four (i.e. medium or higher);
- **Mitigate:** So far as those adverse effects cannot be avoided, mitigating those effects;
- **On-site habitat enhancements:** So far as those adverse effects cannot be mitigated, habitat enhancement of on-site habitat;
- **On-site habitat creation:** So far as there cannot be that enhancement, creation of on-site habitat;
- **Off-site:** So far as there cannot be that creation, the availability of registered offsite biodiversity gain;
- **Statutory credits:** so far as that off-site habitat enhancement cannot be secured, purchasing biodiversity credits.

OFF-SITE GAINS

Off-site biodiversity gains

‘Off-site’ biodiversity gains are any BNG measures proposed outside of the red line boundary. It can be achieved through habitat creation on land owned by the applicant/developer, a third-party provider or through the purchase of BNG units from a habitat bank operator for a site which is registered on the Biodiversity Gain Site Register.

The statutory Biodiversity Gain Plan (BGP) must contain the biodiversity gain site register reference number for any off-site 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 Register¹²⁵ 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’¹²⁶), 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 monitoring reports;
- 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 ¹²⁷:

- (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, but the deemed condition still applies.

How the BNG is to be achieved will have to be agreed, secured and, where applicable, registered on the Biodiversity Gain Site Register, prior to the submission of the pre-commencement Biodiversity Gain Plan.

Statutory Credits

If it can be demonstrated that onsite biodiversity gains are not possible, the developer will need to demonstrate that they have approached 3 local or national suppliers, habitat banks or trading websites before considering statutory credits. The only exception¹²⁸ to this is where a developer has a unit deficit smaller than 0.25 biodiversity units (area or linear), in which case they do not need to approach 3 suppliers before considering statutory biodiversity credits. 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](#).

It is not usually necessary to secure the biodiversity net gain through additional conditions (other than the deemed condition) or a section 106 agreement.

REGISTERING OFFSITE BNG

If land has been purchased for the purposes of creating and selling offsite units (i.e. a habitat bank) but the Land Registry does not reflect the change of ownership, Natural England have confirmed that the following evidence of ownership is acceptable:

- The current Land Registry entry and title plan, no more than two months old;
- A certified signed transfer document; and

- Evidence that an application to register the transfer has been made to the Land Registry.

Source: Broadfield UK (Angus Walker).

Lucy McGinley
Biodiversity Officer

This response was submitted following consideration of the following documents:

- BNG Metric, RSK Biocensus, April26
- BNG Report, RSK Biocensus, April26
- Preliminary Ecological Assessment, RSK Biocensus, April26
- Application Form, Paul Butler Associates, April26
- Planning Statement, Paul Butler Associates, April26