



ECOLOGICAL ADVICE SERVICE

TO: Alison Webster
FROM: Elizabeth Fagg
DATE: 21 January 2025
SUBJECT: 20241166 / Shorne Mead, Shorne

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 – SUFFICIENT INFORMATION PROVIDED

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

A preliminary ecological appraisal has been conducted with follow up bat surveys. These identified two bats day roosts and a Natural England mitigation licence will be required, prior to demolition works commencing.

This application states it is exempt from biodiversity net gain as it is a custom and self-build application and Gravesham Borough Council need to be satisfied it meets this exemption.

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).

The submitted Ecological Assessment indicates that roosting bats are present on-site, using the main building which is proposed for demolition. This includes two day roosts, for common pipistrelle and soprano pipistrelle respectively. As this building is proposed for demolition, it will therefore need a Natural England mitigation licence in place prior to works proceeding. Gravesham Borough Council must also have regard to the

requirements of the Conservation of Habitats and Species Regulations in the exercise of its functions.

The applicant has provided an outline mitigation/compensation strategy for roosting bats including

- A tree mounted bat box prior to works commencing
- Two integrated bat tubes in the SE elevation of the new building

We agree with the mitigation proposed but highlight that the outline mitigation has the installation of a temporary roost box prior to demolition, for locating bats found during demolition, listed as the last item within the proposed mitigation. We highlight that this needs to be reordered to ensure it is the first action to avoid any errors in implementing mitigation.

The mitigation strategy will help Gravesham Borough Council decide prior to determination whether a Natural England mitigation licence is likely to be granted^{1,2}. As Gravesham Borough Council must consider whether it is likely that a Natural England mitigation licence will be granted, in so doing it must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *“that there is no satisfactory alternative”*.
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”*

KCC EAS is only able to comment on test three: favourable conservation status^{3,4}. Based on the ecological information submitted we are satisfied that favourable conservation status can be maintained for the local population of bats, provided the submitted mitigation/compensation strategy is effectively implemented.

In accordance with the February 2020 Natural England explanatory note for local planning authorities on Clause 9.3 and Annex D6.1 of BS42020:2013, planning conditions and European Protected Species licences⁵, to help ensure the full implementation of the submitted mitigation/compensation strategy and the applicant's obtention of a mitigation licence from Natural England in advance of works, if planning permission is granted, we advise a condition is included and wording is suggested below.

¹ [Contractors letter template \(alge.org.uk\)](https://alge.org.uk/contractors-letter-template/)

² [Dealing with protected species](#)

³ [WML-G24 EPS Licensing and the Three Tests March2011 \(3\).pdf](#)

⁴ [Microsoft Word - Morge v Hampshire County Council.doc \(supremecourt.uk\)](#)

⁵ [Natural England Explanatory Note](#)

Prior to and during construction, the bat mitigation strategy will be implemented as per the Preliminary Ecological Appraisal, Calumma, Jul 24. If works have not commenced within 2 years a review of the mitigation must be completed. It will be implemented as detailed.

A sensitive lighting strategy will be required and is detailed further below.

Other Protected Species

The preliminary ecological appraisal has considered other protected species. The landscape works within the garden, are being conducted under a separate permission, with grass management have made the area unsuitable for many species, including reptiles. A new large pond is within the garden but has been stocked with fish and is therefore unsuitable for great crested newts, and no other ponds exist within 250m. The information provided has stated that little disturbance will occur to existing woodland and boundary vegetation, so any suitable habitat for dormice will not be impacted and mobile species such as badgers and hedgehogs have been considered, with precautionary mitigation suggested. We therefore agree with the survey effort conducted but if changes are made to the proposals, regarding the vegetation on site, further surveys may be required.

The building, due for demolition, was noted within the PEA to have features being used by breeding birds and will be impacted. We recommend that any works to buildings and vegetation are conducted outside the breeding bird season (1st March to 31st Aug) to avoid risk of impacts or if within the breeding bird season, a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works. This precautionary mitigation should be included in the construction environment management plan (CEMP), detailed below.

Trees and Woodland

Adjacent to the northern site boundary is Peartree Wood ancient woodland and within 100m of the site is Great Crabbles Wood SSSI. An arboricultural impact assessment was conducted and states that no trees are to be removed or root protection areas impacted on the site by the proposed development. A tree protection plan has been proposed. This is not our area of expertise and suggest that the tree officer is consulted. The proposed precautionary mitigation to prevent impacts to trees and hedgerows should be included in the CEMP.

Lighting

Nocturnal animals (including bats) are likely to be using the site and surrounding area for foraging and commuting and any lighting associated with the proposal may have a negative impact, especially any light spill to hedgerow boundaries and trees on the site. We advise that a **condition** will be required for the external lighting and will require the following requirements:

- *Plan showing location of lighting, light fittings and light spill*
- *Downward facing*
- *On a motion sensor (where possible)*
- *Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'*

<https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

Construction Environmental Management Plan

We suggest that the below wording is included as a condition for a Construction Environmental Management Plan (CEMP – biodiversity) if planning permission is granted. This will mitigate for impacts to biodiversity and help ensure compliance with relevant legislation. The plan will include mitigation as outlined in the PEA and bat mitigation strategy.

Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) will be submitted to and approved in writing by the local planning authority. The CEMP will be based on the recommendations in section 8.6 of the Preliminary ecological appraisal, Calumma, Oct 24 and Bat report, Calumma 30/4/24 and include the following:

- a) Risk assessment of potentially damaging construction activities;*
- b) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;*
- c) Reference to the relevant, granted, protected species licences (e.g., bats) obtained in advance of site clearance/construction and any relevant mitigation measures required;*
- d) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction for bats, badgers, birds, dormice and hedgehogs (may be provided as a set of species or habitat-specific method statements);*
- e) The location and timing of sensitive works to avoid harm to biodiversity features;*
- f) The times during construction when specialist ecologists need to be present on site to oversee works;*
- g) Responsible persons and lines of communication;*
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;*

The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

Biodiversity Net Gain

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications received in England (with a few exemptions) must deliver at least a 10% biodiversity net gain (BNG) from the 12th February 2024 and all minor applications from the 2nd April 2024.

As this is a self and custom build for occupation by the applicant and family the applicant is claiming it is exempt from BNG under the self and custom build exemption. Gravesham Borough Council need to be satisfied it meets this exemption.

Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for BNG, avoidance, mitigation and compensation. As such, we advise that an enhancement plan is provided that includes the actions proposed and a condition wording is suggested below.

Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity, will be submitted to, and approved in writing by, the local planning authority. This will include a detailed landscaping plan, outlined management measures to achieve the proposed habitat target conditions, native and wildlife-friendly planting, and integrated durable bat and bird boxes aimed at species of conservation concern. The approved measures will be implemented and retained thereafter.

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

Elizabeth Fagg
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal (Bats), Calumma, 23/7/24
- Preliminary Ecological Appraisal, Calumma, 18/10/23
- Location and block plan, Mark Carter Associates, Oct 24
- Site plan, Mark Carter Associates. Aug 23
- Arboricultural impact assessment, Silva Arboriculture, Dec 24
- Design and access statement, Mark Carter Associates, Dec 24
- BNG exemption statement, Tunley Environmental, Nov 24
- Custom and self-build form