



ECOLOGICAL ADVICE SERVICE

TO: *Alison Webster*

FROM: *Hannah Simmons*

DATE: *13 November 2024*

SUBJECT: *20240856 / Former Tollgate Hotel, Gravesend*

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 ecological information submitted with this application and advise that, subject to our point on the bat surveys being addressed, we are satisfied that no additional ecological information is required to be submitted.

We have taken this view due to the site consisting of mostly developed hardstanding and Ruderal/Ephemeral vegetation, which is likely to be of low ecological value. We are satisfied that the habitats with more ecological value, the Other Neutral Grassland in the northwest and Broadleaved Woodland to the southeast, are proposed to be retained and enhanced or extended. We are satisfied that there is a lack of suitable features for most protected species, and for those potentially on site, appropriate precautionary approaches have been proposed. We recommend that the site be managed to remain in its current state to deter protected species from establishing on site.

Bats

Three of the four buildings have moderate potential for roosting bats and were assessed as offering moderate potential for roosting bats but from the surveys in 2022, no bats were observed emerging from or re-entering the buildings. Additionally, all three of the scattered trees present were considered to have negligible potential to support a roost. However, the bat surveys are now over 18 months old.

A Preliminary Roost Assessment (PRA) completed in March 2024 was submitted with the pre-application (reference 20240151) but has not been submitted with the current application. We advise that it is submitted as part of this application as it demonstrates that although new access points are present in the buildings, this does not increase their value for roosting bats from moderate and that the results of the 2022 surveys are still currently valid, and the mitigation recommendations as outlined in the bat survey report still apply.

Once the 2024 PRA has been submitted and subject to the above caveats, we will be satisfied that sufficient information regarding bats has been provided.

As the condition of the site is deteriorating and new access points are being created, we advise that if works have not commenced within a year, then another PRA may be required to determine if the building value for roosting bats has increased and if further bat surveys will be required.

Lighting

Common and Soprano Pipistrelle, Serotine, Brown Long eared and Noctule bats were observed commuting and foraging on site. A Lighting Impact Assessment including a proposed lighting layout plan has been submitted. The site is currently highly illuminated by the roads surrounding the site, which includes the A2. As such, the assessment has determined that there will be no significant additional light pollution from the subject site.

From the proposed plan, we are satisfied that there will be minimal impact to the proposed habitats on site from the proposed lighting. The lighting must be implemented as per the lighting layout and illuminance plans. Any changes to the lighting plan must be submitted and approved in writing to the LPA. We advise that any changes are secured by a condition. We have not provided suggested condition wording as we feel Gravesham Borough Council would be best placed to write that condition.

Precautionary Mitigation

We are satisfied that the proposed mitigation set out in section 5.3 of the EcIA for breeding birds and hedgehogs, identified as having potential to be on site, are sufficient.

We advise that the applicant follow the precautionary mitigations set out in section 5.3 of the EcIA and advise that if planning permission is granted, a condition is included to secure those precautionary measures in a CEMP. We have not provided suggested condition wording as we feel Gravesham Borough Council would be best placed to write that condition. We suggest that the following bullet point is included in the condition wording:

- *Inclusion of section 5.3 of the Ecological Impact Assessment (Eco Tech Ecological Consultancy, September 2024), which covers the precautionary measures for Breeding Birds and hedgehogs.*

As part of this, we highlight that the current management of the site must continue so as not to develop suitable habitat which may encourage the presence of protected species.

Biodiversity Net Gain

Under section 40 of the NERC Act 2006 and paragraph 180 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system.

Additionally, in alignment with paragraph 186 of the NPPF 2023, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12 February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications submitted on or after the 2 April 2024. This application was received on 20 September 2024 according to the information available on the planning portal.

Having reviewed the proposal and submitted documents, we consider this application to fall under mandatory biodiversity net gain. A statutory BNG metric has been submitted that shows the proposals will result in a combined on-site and off-site net change of 0.50 habitat units and 0.68 hedgerow units. This equates to a combined net % change of 14.81% for habitat units and is not applicable for hedgerow units as no hedgerows were recorded at the baseline. We are satisfied that this net gain is more than 10%, and that the trading rules have been satisfied.

We are satisfied that that the proposed habitat enhancements, creation and condition can be achieved within the required 30-year management period.

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 loss of habitat is proposed to be mitigated by the off-site enhancement of the adjacent Other broadleaved woodland and Other neutral grassland under the applicant's control. The enhancements are to bring the condition of both habitats from moderate up to good. We are satisfied that that the proposed habitat condition can be achieved within the required 30-year management period. The details of the proposed habitat enhancements must be included in the habitat creation and management plan.

The proposed habitat enhancements of the off-site Other broadleaved woodland and Other neutral grassland are medium distinctiveness habitats, plus it is proposed to improve the condition from moderate to good, which under the guidance set out by [DEFRA](#) would constitute these as significant gains.

Although within the applicants ownership, the habitat enhancement is considered as *off-site* under BNG and therefore it is our view that a legal agreement will be required to secure the significant offsite habitat enhancements and gains for the development.

The applicant should submit a biodiversity gain plan form 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 be regulations specify.

This will include plans of the proposed management, and monitoring of the site will be required.

As the proposed habitat of Traditional Orchard is of high distinctiveness, and Other broadleaved woodland, Mixed scrub, Urban tree and Other neutral grassland habitats are of medium distinctiveness, plans of the proposed management and monitoring of the site will be required. To ensure that the measurable net gain can be achieved, we advise that establishment, and management plan(s), including a species list of native plants, are secured with a condition if planning permission is granted. We recommend the following condition is included:

Within 3 months of works commencing within the site a habitat creation and management plan must be submitted to the LPA for written approval. The plan must include the following:

- *Details of habitats currently on site*
- *Aims and objectives of the creation and management plan*
- *Plan of the habitats to be created*
- *Management requirements to create/enhance habitats on site.*
- *Overview of long term management requirements*
- *Rolling 5 year timetable to implement long term management*
- *Details of who will be responsible for implementing long term management*
- *Details of how it will be funded.*

The plan must be implemented as approved.

Ecological Enhancements

Enhancement features are not considered as part of a measurable net gain; however, in addition to the measurable net gains we expect enhancement features to also be incorporated into an enhancement plan within the red line boundary. These can include integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. We advise that the ecological enhancements are secured with a condition if planning permission is granted.

Suggested condition wording

Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. 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.

Hannah Simmons
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Ecological Impact Assessment. Eco Tech Ecological Consultancy. September 2024
- Bat Survey Report. SLR Consulting Ltd. 29 October 2022
- Statutory Biodiversity Net Gain Metric. 15 May 2024
- External Lighting Environmental Impact Assessment, including Lighting Layout and Illuminance Plan. GW Lighting Consultancy. 5 September 2024
- Pre-Application Draft Preliminary Roost Appraisal from pre-application (reference 20240151). SLR Consulting Limited. 22 March 2024
- Landscape Strategy Masterplan. Huskisson Brown Association. 10 April 2024