



ECOLOGICAL ADVICE SERVICE

TO: *Ethan Bonthron*

FROM: *Jonathan Lynch*

DATE: *03 June 2025*

SUBJECT: *20250167 / Milton Place, 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.

Please consider this advice note to supersede our previous comments of 7 May 2025. A revised BNG assessment has been received.

SUMMARY – NO FURTHER INFORMATION REQUESTED

We have reviewed the ecological information submitted in support of this application and advise that **no further** information is requested from the applicant prior to determination of the planning application. Informative and condition wording is recommended as appropriate.

ECOLOGICAL CONSTRAINTS AND MITIGATIONS

The submitted Ecological Impact Assessment (James Blake Associates, February 2025) concludes that the application site is broadly unsuitable for most protected/priority species given its urban setting and largely uniform habitat composition. The only ecological constraint identified is nesting birds. As such, integration of measures to avoid impacts to nesting birds into any Construction Management Plan (CMP) is strongly recommended.

This would include avoiding vegetation clearance during the core nesting period which is March through August. The following informative is also recommended:

NESTING BIRD INFORMATIVE: *All wild birds and their nests are protected from harm under Section 1 of the Wildlife and Countryside Act 1981. As such, any works which may result in impacts to nesting birds should be conducted outside of the core nesting season which is March through August (inclusive) or under ecological supervision. A suitable exclusion zone should be established around any active bird nest in the event one is discovered during works; this exclusion zone should be maintained until all nesting birds have fledged and the nest is unoccupied.*

DESIGNATED SITES

The application falls within the 6km zone of influence of the Thames Estuary and Marshes Ramsar and SPA. As such, the North Kent Strategic Access Management and Monitoring Strategy (SAMMS¹) applies and the applicant will be required to make a tariff payment based on the net number of additional dwellings proposed to mitigate additional recreational effects on the designated sites.

Gravesham Borough Council must consider the impact the proposal will have on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

A recent decision from the CJEU (C-323/17) has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that there is a need for the local planning authority to carry out an appropriate assessment as part of a full HRA. Natural England may need to be consulted on this application at the appropriate assessment stage in accordance with the CHSR 2017 (Regulation 63[3]).

BIODIVERSITY NET GAIN (BNG)

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. Where required, the Statutory Biodiversity Metric will need to be used to demonstrate a minimum 10% biodiversity net gain. Local policy may request a higher level of net gain. Significant gains will need to be secured for at least 30 years.

Biodiversity net gain is a statutory requirement of this proposed development. References to the biodiversity value of any habitat or habitat enhancement are to its value as calculated in accordance with the biodiversity metric.

¹ [SAMMS tariffs – Gravesham Borough Council](#)

Our previous comments of 7 May 2025 requested a revised BNG metric as we believed area/linear habitat calculations had underestimated the biodiversity value of the site. A revised biodiversity metric has been received. Changes were explained in an accompanying email:

“The change in habitat from ‘introduced shrub’ to ‘vacant or derelict land’ has not had an impact as the ‘vacant or derelict land’ is still considered ‘poor’ using the condition assessments and not higher value. The values are therefore the same between both habitat types.

Comments regarding the ‘line of trees’ had assumed that the number of trees were under recorded, but as per the guidance ‘line of trees’ cannot be used if in an urban setting and therefore all trees on site have been classed as individual trees. Therefore no changes to this aspect were required.”

Following these minor changes, it is still indicated that the proposals will deliver a BNG of 18.11% (habitat units) and 836.2% (hedgerow units). This is to be delivered through compensatory tree planting (97 small trees), hedgerow planting, creation of areas of neutral grassland, a SUDS basin, scrub creation and creation of vegetated gardens. These onsite gains are considered ‘significant’² in nature. Significant onsite gains and all offsite gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. Monitoring fees should always be secured for significant onsite gains as these will be subject to 30 years of monitoring reports which will need to be reviewed by the LPA at their own cost. Verna have created a tool to calculate BNG monitoring fees: [Free tool: How to calculate Biodiversity Net Gain monitoring charges – Verna](#).

The statutory condition of BNG will apply by default 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 included in decision notices in the form of an informative.

The following condition is recommended to secure a full Habitat Management and Monitoring Plan (HMMP) as is standard for significant biodiversity gains:

² We have recently drafted an advice note titled ‘Defining significant onsite enhancements for Biodiversity Net Gain in Kent and Medway’ (February 2025) which outlines our definition of ‘significant’.

HMMP CONDITION: *The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved biodiversity gain plan and including:*

- (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, has been submitted to, and approved in writing by, 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.*

Reason: To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.

OTHER ENHANCEMENT MEASURES

The NPPF 2024 para. 187(d) 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 submitted EclA recommends the provision of external bat and bird boxes on retained trees and new dwellings. Integral features are strongly preferred in line with the NPPF 187(d) and BS 42021:2022 ‘Integral nest boxes. Selection and installation for new developments’. The adopted Kent Biodiversity Strategy 2020-2045³ also contains the target: *“stop the decline of swifts by ensuring that every new house built in Kent contains one swift-box or nest-brick.”* As swifts are an urban bird species, this is of particular relevance to this scheme.

As the proposals are for 15 housing units and 61 flats and the accepted ratio of integral nest boxes to residential units is 1:1, with 10-40+ for larger blocks of flats, at least 25 integral nest boxes should be provided (1 per housing unit and at least 10 in the block of flats). We originally made this request on 7 May and note that no further details have been submitted. For the sake of expedience, condition wording is recommended below to

³ [Kent Nature Partnership Biodiversity Strategy 2020-2045 \(kentnature.org.uk\)](https://kentnature.org.uk/kent-nature-partnership-biodiversity-strategy-2020-2045/)

secure these integral nest boxes, but it is always preferable to seek these details as early as possible to reduce the number of condition discharges sought post-permission.

SWIFT BRICKS: *Prior to the commencement of works on site in connection with the development hereby permitted and for partial discharge of this condition, updated elevations drawings showing the make, model and locations of at least 25 integrated swift nesting boxes (1 per housing unit and at least 10 in the block of flats) evenly spread along north and east facing elevations a minimum of 4m above ground level with a clear drop underneath, shall have first been submitted to and approved in writing by the local planning authority. Nest boxes shall be provided in accordance with BS 42021:2022 (British Standard for integral nest boxes). Nest boxes shall be constructed of durable material, i.e. not wood.*

For full discharge of this condition, photographs of the integral boxes in their agreed locations are to be submitted to and approved in writing by the local planning authority prior to first occupation. They are to be retained in that manner thereafter.

Reason: In accordance with BS 42021:2022 and with consideration for swifts in accordance with paragraph 187(d) of the NPPF 2024.

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

Jonathan Lynch
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Arboricultural Impact Assessment and Method Statement (Tracy Clarke Tree Consultancy, February 2025)
- Ecological Impact Assessment (James Blake Associates, February 2025)
- Existing Site Plan (JTP Studios, February 2025)
- Landscape and Ecological Management and Maintenance Plan (James Blake Associates, January 2025)
- Planting Plan (FPCR, February 2025)
- Proposed Site Plan (JTP Studios, February 2025)
- Statutory Biodiversity Metric (James Blake Associates, May 2025)
- Statutory Biodiversity Metric Technical Annex 1: Condition Assessment Sheets and Methodology (May 2025)