



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher
FROM: Helen Forster
DATE: 24 December 2024
SUBJECT: 20241089 Tourmalane , Gravesend,

The following is provided by Kent County Council's Ecological Advice Service (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 whether sufficient and appropriate ecological information has been provided to assist in its determination. 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.

The ecological information submitted as part of application 20240097 confirmed the presence of two day roosts of common pipistrelle bat.

The proposal is to incorporate bat roosting features in to the building to retain the bat population within the site following completion of the works. As the proposal is for amendments to the roof design we advise that the detail of the proposed mitigation may no longer be correct.

We are satisfied that the proposed mitigation can be implemented and therefore GBC can be satisfied that when considering the three tests the favourable conservation status will be maintained

A European protected species mitigation (EPSM) licence will be required to carry out the proposed development due to the impacts upon roosting bats. The Conservation of Habitats and Species Regulations 2017 requires Sevenoaks District Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Sevenoaks District Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

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.”*

However an updated bat mitigation strategy must be submitted as a condition of planning permission is granted.

We recommend the following wording:

Prior to works commencing on site (including demolition) an updated bat mitigation strategy must be submitted. It must include the following:

- *Preliminary Roost Assessment*
- *Bat emergence surveys (if existing survey data is over two years old)*
- *Overview of mitigation required*
- *Detailed methodology to implement mitigation.*
- *Timings of works.*
- *Details of who will implement it.*
- *Details of any monitoring required.*

The works must be implemented as approved.

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

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:
Bat Survey report. Crossman. June 2023.