



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher
FROM: Helen Forster
DATE: 19 April 2024
SUBJECT: 388 Rochester Road, Gravesend 20240303

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.

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

When we previously commented application 20231051 we advised that no ecological information was required. However it is our understanding that this application will result in the demolition of the garage and we require current photos to be provided of the garage to enable us to consider if there is potential for bats to roost within the garage.

To establish the potential for protected species presence, that must be taken account of in the planning decision, in the first instance, high quality, labelled, photographs of all aspects of the garage, and the construction zone should be requested. These can then be reviewed by Kent County Council Ecological Advice Service (KCC EAS). These photographs may satisfy KCC EAS that no ecological surveys are necessary at the site.

However, where photographs are inconclusive, or indicate possible features suitable for protected species, a simple Ecological Impact Assessment (EcIA) **may** need to be

undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines. Any EclA would need to include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Roost Assessment.
- Details of any additional surveys undertaken following the PEA;
- Details of any appropriate and achievable ecological mitigation measures;
- Identification of any residual ecological effects after avoidance and mitigation measures have been considered, and any compensation measures required to offset residual effects;
- Details of ecological enhancement measures; and
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

The above is in line with paragraph 99 of ODPM 06/2005 which states *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*.

The above is also in line with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation.

SAMMS

The development includes proposals for new dwellings within the zone of influence (6km) of the Thames Estuary and Marshes Special Protection Area, and its associated Wetland of International Importance under the Ramsar Convention (Ramsar Site). Gravesham will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application.

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

¹ Suitably qualified ecologists can be found using either the: [CIEEM Registered Practice Directory](#) or the [Environmental Data Services Directory](#).

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:
Proposed Block Plan; DAC Architects; March 2024