



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher
FROM: Clair Thackray
DATE: 23 February 2024
SUBJECT: 20240097 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.

KCC EAS commented on the previous application for this site (planning ref. 20240097) in our letter dated August 2023. The current application does not include amendments which are likely to result in additional impacts on biodiversity and the bat survey report submitted under the previous application remains valid. The required mitigation for bat roosts remains achievable within the proposed design and we advise that no further ecological information is required at this time.

If planning permission is approved, we advise that the conditions below are attached. These have the same wording as those recommended for the previous application.

BAT MITIGATION

Two day roosts of common pipistrelle bat have been confirmed and it is proposed that the site is registered under the Bat Low Impact Class Licence scheme. Given that pipistrelle bats are known to utilise buildings as hibernation sites we advise that works on suitable features for roosting bats are avoided during the hibernation season (Nov-Feb/March inclusive) wherever possible. Suggested condition wording:

All mitigation for bats will be carried out in accordance with the details contained in Section 4 of the Bat Survey Report (Crossman, June 2023), unless additional/alternative measures are required by Natural England. A granted Natural England bat mitigation licence must be in place prior to carrying out any works that could affect the bat roost(s) on-site. Should Natural England require less mitigation than that detailed within the report, then all

remaining measures will be included as enhancements under the National Planning Policy Framework 2023. Bat mitigation, and any enhancements, will be implemented as above and retained thereafter.

LIGHTING AND BIODIVERSITY

Artificial lighting has been proven to significantly impact on the behaviour of insects, birds, bats, and other nocturnal mammals. This is relevant to both retained and created/enhanced areas of vegetation, as well as any proposed features such as bat and bird boxes. If planning permission is approved, we advise that the avoidance/mitigation of increased artificial lighting impacts is secured through provision of a sensitive lighting plan. The Plan should be designed in accordance with National Planning Policy Framework 2021 and the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23. Suggested wording:

Prior to completion, a lighting design plan for biodiversity will be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and will include a baseline lighting assessment for the site/site boundaries. The Plan will detail the expected vertical and horizontal light spill in Lux levels, so that it can be clearly demonstrated that areas to be lit will not increase lighting impacts on retained vegetation or impact on areas of proposed landscaping and biodiversity enhancement. The Lux contour plan should incorporate any mitigation measures proposed to reduce impacts from external and internal lighting, including sensitive positioning / recessing of internal lighting, use of cowls, and/or tinted glazing treatments. All lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter. During occupation, no additional lighting will be installed without prior written agreement from the Local Planning Authority.

BIODIVERSITY ENHANCEMENTS

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system. If planning permission is granted, we advise the following condition is attached to secure a biodiversity net gain for the site and to ensure that integral features can be accommodated:

Prior to completion, a Biodiversity Enhancement Plan including details of how the development will offset biodiversity loss/enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. Details will include measures such as generous native species planting and habitat boxes for insects, hedgehog, bats and/or breeding birds. Boxes for breeding birds will be targeted at S41 priority species¹/ red/amber listed species². Any boxes included for wildlife will be building integrated and/or Woodstone/woodcrete boxes to ensure durability. The approved measures will be implemented and retained thereafter.

¹ [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/habitats-and-species-of-principal-importance-in-england)

² [Birds of Conservation Concern | BTO - British Trust for Ornithology](https://www.bto.org.uk/birds-of-conservation-concern)

DESIGNATED SITES

The proposals involve the replacement of an existing bungalow with a two-storey house within the zone of influence (6km) of the Thames Estuary and Marshes Special Protection Area and Wetland of International Importance under the Ramsar Convention (Ramsar Site). While the number of properties will remain the same, there is understood to be a net increase in the number of bedrooms from four to five.

Gravesham Borough Council 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 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.

Clair Thackray
Biodiversity Officer

This response was submitted following consideration of the following documents:
Bat Survey report. Crossman. June 2023.
Site plans. TAA. Feb 2024