



ECOLOGICAL ADVICE SERVICE

TO: Amanda Grout
FROM: Emma England
DATE: 31 October 2023
SUBJECT: 20231002 - SCON3 / Barn East Of Abbotsview, 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.

SUMMARY – ADDITIONAL INFORMATION REQUIRED

We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application.

The submitted ecology report indicates that mitigations are or could be required for great crested newts (GCN).

The applicant will need to make clear at this stage, what mitigations are necessary for GCN: further survey and none, further survey and/or precautionary clearance methodology, further survey and traditional licensing, or District Level Licensing (DLL).

If following a traditional licensing route, a full mitigation strategy will have to be proposed to demonstrate that mitigations for impacts are achievable, and then evidence of licence acquisition can be conditioned. Alternatively, a countersigned DLL impact assessment and conservation payment certificate (IACPC) should be submitted to the local planning authority prior to determination of the application¹. Following that, evidence of the full conservation payment can be conditioned if planning permission is granted.

¹ [Great crested newts: district level licensing for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/great-crested-newts-district-level-licensing-for-local-planning-authorities)

Any further necessary surveys, and mitigation measures, will need to be submitted prior to determination of the planning application. This is in alignment with paragraph 99 of the 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 results of any further surveys and a conclusion as to whether the development will achieve a net gain for biodiversity, should be submitted within an Ecological Impact Assessment (EclA), produced in accordance with the latest Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines². Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system.

North Kent Sites

The development includes proposals for new dwellings within the zone of influence (6km) of the Thames Estuary and Marshes Wetland of International Importance under the Ramsar Convention (Ramsar Site). 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 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.

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

Marsh Environmental Ecological Consultants (June 2023) Preliminary Ecological Appraisal of Land South Side of Northfleet Green Rd Southfleet DA13 9PT.

² CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester.