



ECOLOGICAL ADVICE SERVICE

TO: Amanda Grout
FROM: Emma England
DATE: 26 October 2023
SUBJECT: 20230757 - SCON3 / Manor Hotel , 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 – SUFFICIENT INFORMATION PROVIDED

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided. Key vegetation appears to be proposed for retention on review of plans. This will avoid and minimise impacts to biodiversity.

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. As such, if planning permission is granted, we advise the condition and informative below are included.

Ecological Enhancements

Within six months of works commencement, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include the enhancements detailed within Section 4 of the submitted Preliminary Ecological Appraisal report by Arbtech. The approved measures will be implemented and retained thereafter.

Breeding Bird Informative

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

N.B.: It should be noted that some birds are capable of nesting outside of these times, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

North Kent Sites

The development includes proposals for new dwellings 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). 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:

Arbtech (Undated) Preliminary Ecological Appraisal. Land at the Manor Hotel, Hever Court Road, Gravesend, DA12 5UQ.

Sub Rosa Architecture (March 2022) As proposed block plan. The Manor Hotel, Hever Court Road.