



ECOLOGICAL ADVICE SERVICE

TO: *Rebecca Harrison*

FROM: *Jonathan Lynch*

DATE: *23 September 2024*

SUBJECT: *20240680 / Rear Garden Of 40 Cross Lane East, 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.

Proposals: Erection of a building to form 2no. 1 bedroom units.

Postcode: DA12 5HB

SUMMARY – FURTHER INFORMATION REQUESTED

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:

- a Biodiversity Net Gain (BNG) metric detailing the pre-development (baseline) value of the site.

No ecological surveys are requested but the application will be subject to the North Kent SAMMS¹ tariff. Full comments below.

¹ [Thames Estuary and Marshes | Nature conservation and landscape – Gravesham Borough Council](#)

ECOLOGICAL CONSTRAINTS AND MITIGATIONS

No direct ecological impacts are anticipated given the urban setting of the proposals and the inherently low biodiversity interest of the application site. No ecological surveys are requested.

The application falls within the 6km zone of influence of the Thames Estuary and Marshes SPA and Ramsar. As such, the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) applies and the applicant will be required to make a tariff payment based on the net number of additional dwellings proposed to mitigate additional recreational effects on the designated sites.

A recent decision from the CJEU (C-323/17) has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that there is a need for Gravesham Borough Council to carry out an appropriate assessment as part of a full HRA.

BIODIVERSITY NET GAIN

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications received in England (with a few exemptions) must deliver at least a 10% biodiversity net gain (BNG) from the 12th February 2024 and all minor applications from the 2nd April 2024. Where required, the Defra Statutory Metric will need to be used to demonstrate a minimum 10% biodiversity net gain. Local policy may require a higher level of net gain. Habitats created/enhanced to achieve net gain will need to be secured for at least 30 years.

The applicant has claimed an exemption from BNG (*de minimis*). **This exemption does not apply as the proposals will result in the loss/degradation of over 25m² of onsite habitat that has biodiversity value greater than zero (vegetated garden/introduced shrub).**

The development will currently be required to demonstrate a 10% biodiversity net gain (either onsite, offsite or via purchase of biodiversity credits) with the submission of a pre-commencement Biodiversity Gain Plan as required by the Town and Country Planning Act 1990 Schedule 7A (13). **At present, only baseline BNG calculations are required for the application to be determined.** A Small Sites Metric² can be used as we believe this is a minor application. The Small Sites Metric can be completed by anyone familiar with BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain'. It must be accompanied by clear photographs of the site to justify habitat classifications.

² [Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guides/statutory-biodiversity-metric-tools-and-guides)

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

Jonathan Lynch
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Location/Existing/Proposed Block Plan (Dream Design Develop, July 2024)
- Planning Statement (Dream Design Develop, July 2024)