



ECOLOGICAL ADVICE SERVICE

TO: Amanda Cue
FROM: Elizabeth Fagg
DATE: 12 February 2025
SUBJECT: 20240740 Land Adj 53 Stanbrook Rd, 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.

FURTHER INFORMATION REQUIRED

We have reviewed the information provided and 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 the existing garage structure appears well sealed, and the surrounding area is patio with only one tree visible. As a result, we are satisfied that no ecological surveys are required for this application.

The application form states that this site is exempt from Biodiversity net gain (BNG) but due to the tree present within the construction zone we consider this site is not exempt and we require the following information.

- **BNG small sites metric or further information to show an exemption.**

An appropriate assessment is required for this application.

North Kent Sites

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

Gravesham Borough Council must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

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.

The Conservation of Habitats and Species Regulations 2017 Regulation 63 (3) also indicates that for Special Areas of Conservation (SACs) and Special Protection Areas (SPAs): *"The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies."* The local planning authority (the "Competent Authority") must therefore consult with and take into consideration Natural England's advice in determining the application. The local planning authority also needs to be confident that proposals will not adversely affect these sites in line with the NPPF 2024¹. For this type of development, it is possible to obtain an autogenerated Natural England advice letter which we have attached to the email accompanying this advice note.

The responsibility for carrying out a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment lies with the Competent Authority, Gravesham Borough Council

Natural England has also indicated that if a consultation regards bespoke site-specific mitigation, this should be flagged to Natural England by putting 'Bespoke Mitigation' in the email header.

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.

¹ "When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

The applicant has indicated within the application form that that they do not consider the general Biodiversity Gain Condition applies to this application. The applicant has indicated that this is because the development is subject to the de minimis exemption. The de minimis exemption applies where:

- The development will not impact any onsite priority habitat; AND
- The development will not impact more than 25 square metres of onsite habitat with a biodiversity value greater than zero; AND
- The development will not impact more than 5 metres of onsite linear habitat.

Government advice indicates that if an applicant considers that their development proposal is within the scope of the de minimis exemption, they must provide reasons for this. This is to provide sufficient information to the local planning authority to enable it to determine if the development is genuinely exempt at the validation stage². The applicant has stated that the reason for selecting the exemption is *'the development is below the threshold'*.

However, we note from the photographs provided that there is a mature holly tree present within the area for development. If this tree is to be lost to the development, then this application will likely qualify under requirements for biodiversity net gain. The following table provides area information for differing individual tree sizes and all of these are relevant for BNG requirements.

Size class	Diameter at breast height (cm)	Biodiversity metric area equivalent (ha)
Small	greater than 7.5cm and less than or equal to 30cm	0.0041
Medium	greater than 30cm and less than or equal to 60cm	0.0163
Large	greater than 60cm and less than or equal to 90cm	0.0366
Very large	greater than 90cm	0.0765

We therefore require further information to include a small sites BNG metric or further information to show how the application meets an exemption.

Breeding birds

A tree is visible within the photographs and may be impacted by the development. This could provide suitable breeding bird habitat and could be impacted. We recommend that any works to vegetation are conducted outside the breeding bird season (1st March to 31st Aug) to avoid risk of impacts or if within the breeding bird season, a survey by a suitably

² [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

qualified person needs to be conducted to confirm absence, prior to commencing works. A breeding bird informative can be provided, once the further information is provided.

Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for BNG, avoidance, mitigation and compensation. As such, we advise that an enhancement plan is provided that includes proposed actions with future management and a condition wording can be provided.

Appendix 1 provides some generic (non-exhaustive) information regarding the most common enhancements we see proposed. To provide a view regarding the potential ecological benefits of any project, in line with relevant legislation and planning policy, we require sufficient detail to be submitted. Without sufficient detail we are unable to provide an opinion regarding the suitability of any proposed measures. Suitable detail may include the provision of information such as:

- The proposed target species;
- Make and model of any boxes;
- Location information such as height, aspect, surrounding habitat;
- Detailed planting schedules; and
- Relevant management necessary to ensure the habitat is suitable for the target species.

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

Elizabeth Fagg
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Existing location and block plan, 26/6/24
- Proposed location and block plan, 26/6/24
- Application form, dated 4/12/24
- Photographs submitted to LPA

Appendix 1: Ecological Enhancement Measures

Possible Biodiversity Enhancements	Details
Provision of ready-made bird boxes	Suitability: All development. Location: Semi-mature/mature trees, buildings To provide a long-term ecological benefit for the site, boxes will need to be correctly sited: • Be away from windows and doors; • Be at the appropriate height for the target species and erected in accordance with the manufacturer guidelines; • Be sheltered, and sited on a northern or eastern facing aspect; • The boxes should be away from artificial light sources. • If siting on a tree, place the box in a way that avoids damaging the tree, and select a mature or semi-mature specimen; and • There should be a clear flight path to the box, so vegetation should not clutter the box entrance. Material: Wall or tree-mounted woodcrete or building integrated boxes are generally recommended for development projects over wooden boxes. Wooden boxes are only likely to last 5-10 years before needing to be replaced to continue to provide a wildlife benefit. A woodcrete box has a much longer lifespan of 20-25 years before needing to be replaced. We would always recommend durable materials be selected for installation to minimise maintenance in the long-term and to provide a longer-term assurance of biodiversity net gain in line with the NPPF 2024. Potential target species: Swifts: If trying to attract swifts, the minimum height for box placement is 4.5m. Boxes should be placed on a sheltered, north facing aspect, away from doors and windows. Care needs to be taken to avoid placement of swift boxes very close to trees or other structures which could provide a perch for predators, or

	not provide a good, clear flight line into the bird box. Further information is available from Swift Conservation³. Starling: Starling boxes will need to be sited at a minimum height of 2.5m, although around 5m high will likely be better. (For relevant amber/red listed species e.g., wren): Open fronted boxes are generally best placed hidden from view. For example, placed on a fence/wall with bushes/climbers growing on it. Maintenance: Many bird boxes need clearing out at the end of the nesting season. The manufacturer can provide relevant information as well as the Royal Society for the Protection of Birds (RSPB)⁴ and British Trust for Ornithology (BTO)⁵.
Provision of bat boxes/bricks/tubes/tiles or bat roosting spaces within the new buildings	Suitability: Most development. Location: Semi-mature/mature trees, buildings To provide a long-term ecological benefit for the site, boxes will need to be correctly sited: • Be away from windows and doors or any features that might allow access to cats; • Be at the appropriate height (ideally 4-5m high) and erected in accordance with the manufacturer guidelines. • Be sheltered, and with the majority sited on a southerly facing aspect; • The boxes and a flight path to the box should be unlit; • A clear flight path to the box is needed, so vegetation should not clutter the space around the box; and • On trees, only mature or semi-mature specimens should be chosen. Material: Wall or tree-mounted woodcrete or building integrated boxes are generally recommended for development projects over wooden boxes. Wooden boxes are only likely to last 5-10 years before needing to be replaced to continue to provide a wildlife benefit. A woodcrete box has a much longer lifespan of 20-25 years before needing to be replaced. We would always

³ [Fitting Swift Nest Places \(swift-conservation.org\)](https://www.swift-conservation.org/)

⁴ [How To Clean a Bird Nesting Box - The RSPB](#)

⁵ [Putting up a nest box | BTO - British Trust for Ornithology](#)

	recommend durable materials be selected for installation to minimise maintenance in the long-term and to provide a longer-term assurance of biodiversity net gain in line with the NPPF 2024. Maintenance: Bat boxes should only be checked by a suitably licensed individual to avoid breaches of legislation.
Provision of space for solitary bees	Suitability: Most development. Location: Building integrated or wall-mounted Bricks or boxes for solitary bees need to be correctly sited in a warm, sunny spot. The box should be near vegetation, but vegetation should not clutter the entrances. Place at least 1m from ground level. The box should not sway in the wind or easily become dislodged. Avoid where possible using single large hotels. Instead use lots of smaller ones spaced around the site. Material: Woodcrete boxes and building integrated boxes are generally recommended for development projects over wooden/other boxes. Although, as some sources recommend regular maintenance of solitary bee hotels, provided there is a commitment to regular maintenance, less durable boxes can be acceptable. Erection: Follow the manufacturer guidelines. Maintenance: See www.bumblebeeconservation.org/bee-nest-boxes/. And here.
Provision of hedgehog holes in fencing	Suitability: Many developments. Location: Base of fencing Construction: 13cm x 13cm gaps at the base of fencing to allow hedgehog access to all garden areas. To reduce the risk of the holes being blocked by future residents, a sign above the hole is recommended as shown on the hedgehog street website⁶.
Provision of hedgehog nesting boxes	Suitability: Many developments. Location: Tucked away under a hedge, in shrubbery or near a wall in a quiet, sheltered place. Place the box where it will not flood after heavy rain.

⁶ [Link your garden with a hedgehog highway \(hedgehogstreet.org\)](http://hedgehogstreet.org)

	Material: Woodcrete boxes are generally recommended for development projects over wooden/other boxes. Boxes should have a tunnel entrance or internal dividing wall to reduce risk of predators getting to the hedgehogs inside. Maintenance: See information provided by Hedgehog Street⁷ or The British Hedgehog Preservation Society⁸.
Provision of hibernacula (for great crested newts or reptiles)	Suitability: For larger sites with suitable habitats such as hedgerows and long grassland. Location: A sunny position on a well-drained site, not prone to flooding. One of the long sides should be south-facing. Should be placed in a patch of suitable habitat such as tussocky grassland with minimal public disturbance. Material and construction: For reptiles at least 4m long, 2m wide and 1m high and for great crested newt at least 2m long, 1m wide and 1m high. On free-draining soils, locate below ground level by excavating a pit or trench, then infilling with a mixture of topsoil and rubble, sleepers, logs, etc. For ideas on the design and construction of suitable hibernacula, see here. Maintenance: Hibernacula should be left undisturbed. Where log filled hibernacula deteriorate over time, to maintain habitat provision, consider building new ones.
Provision of log piles (for invertebrates, but could also benefit other species e.g., amphibians, reptiles, hedgehogs)	Suitability: For sites which can provide the right location and surrounding vegetation. Location: Wood in direct contact with the ground, in dappled shade. Can be placed in shrub beds, edge of woodland, near hedgerows, in long grassland etc. Material and construction: Logs at least 100mm thick with the bark still attached, and from native hardwood species. Lay stacks of logs on their side in compact piles to maintain humidity. To prevent the logs rolling, drive a stake into the ground on either side of the pile. Can also partially bury logs vertically in the ground to an approximate depth of 450 to 500mm. Use logs of different diameters and length and bury them side-

⁷ <https://www.hedgehogstreet.org/cleaning-out-boxes/>

⁸ [Hedgehog Homes \(britishhedgehogs.org.uk\)](http://britishhedgehogs.org.uk)

	by-side to form a pyramid ⁹ .
The creation of ponds	Suitability: Many developments. Location: Place away from the root protection area of trees and risk excess leaf litter. Ideally have some longer vegetation and log piles around the edge of the pond, and this connected to suitable habitat in the wider environment. This will encourage the movement of wildlife to and from the pond. Construction: For maximum benefit to wildlife, the pond should be left to colonise naturally (if in a good location for it to do so) or planted with native, local provenance plants and include no fish. Consider what to do with the spoil removed from the pond (avoid placing topsoil in a location where sediment run-off to the pond could occur). Spoil could be used in the construction of other wildlife features such as hibernacula. Create varied depths in the pond: shallow margins and areas that allow any animals that get into the pond to escape, deeper areas, at least 600mm in the middle of the pond. Where planting up, allow for submerged and emergent vegetation. <i>How to build a wildlife pond guide:</i> http://www.froglife.org/wp-content/uploads/2013/07/JAW2014-for-printing-HLF1.pdf https://freshwaterhabitats.org.uk/pond-clinic/create-pond/
Provision of native/ wildlife-friendly planting	Suitability: Most development. Native Species: An RHS study found that the best way to support invertebrates in gardens and promote a healthy ecosystem, is to choose plantings biased towards British native plants, and encourage dense vegetation, although leaving some areas of bare soil¹⁰. https://www.rhs.org.uk/advice/profile?pid=848 or https://www.britishflora.co.uk Hedgerows: As far as possible, hedgerows should be connected to high-quality habitats to improve species movement. To maximise any potential wildlife benefit long-term, species-rich (containing at least 5 different species) native hedgerows should be prioritised and be managed sympathetically for wildlife. They should have a target height and width of at least 1.8m by 1.8m. A native

⁹ [Build-a-log-pile-for-stag-beetles.pdf \(ptes.org\)](#)

¹⁰ [Plants for Bugs - RHS science projects / RHS Gardening](#)

	hedgerow consisting of a single species, managed to 1m high by 1m wide and cut every year will likely provide very limited ecological benefit in comparison. Hedgerows should ideally be managed sensitively on a three year rotation, with cutting avoiding the bird breeding season and retaining at least some winter fruit/berries (see here). Establish climbing plants on walls and other vertical structures: Where space is limited, climbing plants can provide increased wildlife benefit within the space available. Climbing Plants & Wall Shrubs - The RSPB
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