



## ECOLOGICAL ADVICE SERVICE

**TO:** Amanda Cue  
**FROM:** Emma England  
**DATE:** 06 June 2024  
**SUBJECT:** 20240331 / Lomas, Cobham

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*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.*

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### **NO INFORMATION – MORE INFORMATION NEEDED**

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 further information is sought from the applicant with regards to the potential for ecological impacts to arise.

Habitats and features (including the building for demolition) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EcIA) should be undertaken by a suitably qualified ecologist<sup>1</sup>, in accordance with good practice guidelines.

The EcIA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any necessary additional surveys undertaken;

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<sup>1</sup> Suitably qualified ecologists can be found using either the: [CIEEM Registered Practice Directory](#) or the [Environmental Data Services Directory](#).

- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005<sup>2</sup> 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 EclA will also ensure alignment with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system.

### **Mandatory Biodiversity Net Gain**

This application was received by Gravesham Borough Council on 10<sup>th</sup> April 2024, and the application form declaration was signed 8<sup>th</sup> April 2024, according to the information available on the planning portal. The applicant has stated within the application form that 710 square metres (or 0.07ha) will be affected by proposals.

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2<sup>nd</sup> April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt<sup>3,4</sup>).

Having reviewed proposals we note that the applicant considers the proposals to be exempt from mandatory biodiversity net gain, so that a mandatory biodiversity net gain of 10% will not apply. The applicant has stated that proposals meet the following criteria:

- consists of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consists exclusively of dwellings that are self-build or custom housebuilding as defined in [section 1\(A1\) of the Self-build and Custom Housebuilding Act 2015](#)

It is not within our remit to verify that dwellings meet the definition of self-build or custom housebuilding as defined in the 2015 Act. Gravesham Borough Council should satisfy itself that proposals meeting the definition and that biodiversity net gain does not apply.

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<sup>2</sup> [odpm-circ-0605.qxd \(publishing.service.gov.uk\)](#)

<sup>3</sup> [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](#)

<sup>4</sup> [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](#)

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:

*Holt, T. (April 2024) Application for Outline Planning Permission with all matters reserved.  
Gravesham Borough Council.*

*Tony Holt Design (November 2023) Proposed Site Plan. Lomas, Sole Street, Cobham,  
Kent, DA12 3AX.*

*Tony Holt Design (November 2023) Location and Block Plan. Lomas, Sole Street,  
Cobham, Kent, DA12 3AX.*