



ECOLOGICAL ADVICE SERVICE

TO: Rebecca Harrison

FROM: Helen Forster

DATE: 08 January 2025

SUBJECT: 258 Singlewell Road, Gravesend 20241066

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.

We advise that additional information is required prior to determination.

A preliminary ecological appraisal has been submitted and it has detailed that the building has low potential to support roosting bats and recommended that at least 1 emergence survey is required. The results of the surveys and details of any mitigation must be submitted prior to determination of the planning application to ensure that, if bats are present, GBC can fully consider the impact on bats when determining the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005¹ 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*".

In addition, if present, as bat are also protected under the Conservation of Habitats and Species Regulations 2017 GBC will also have to consider the three tests. To do this the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Choose an item. must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the

¹ [odpm-circ-0605.qxd \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/36400/odpm-circ-0605.qxd)

three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *“that there is no satisfactory alternative”*.
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”*

We are only able to comment on test three; favourable conservation status. We advise until the emergence survey has been completed we are unable to advise on the third test.

We recommend that an Ecological Impact Assessment (EclA) is submitted and include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Roost Assessment (PRA) and the recommended emergence surveys;
- 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.

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 187 and 193 of the NPPF 2024 biodiversity should be maintained and enhanced through the planning system.

Biodiversity Net Gain

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2nd April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt^{2,3}). The application was submitted after the commencement of mandatory BNG.

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

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

³ [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2024/1000/contents/part-1/chapter-1)

- 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](#)

Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 states: “*In this Act “self-build and custom housebuilding” means the building or completion by—*

(a) individuals,

(b) associations of individuals, or

(c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.”

Section 1(A2) states: “*But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.*”

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 BC should satisfy itself that proposals meeting the definition and that biodiversity net gain does not apply.

Designated Sites

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

Gravesham BC 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) 2023

Gravesham BC 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 applicant has confirmed that they will pay the SAMMS tariff.

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

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Bat Scoping Report and Preliminary ecological Appraisal; The Ecology Co-OP; November 2024