

Delegated Report

EIA Screening Opinion

Application No:	20250630
Location:	Rose Farm, Downs Road, Istead Rise, Gravesend, Kent
Description:	Request for a screening opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 in respect of the residential development proposal at Rose Farm, Downs Road, Istead Rise
Applicant:	Iceni Projects Limited

Proposal

This application comprises a request for a screening opinion in respect of the residential development proposal at Rose Farm, Downs Road, Istead Rise constitutes EIA development.

The proposed residential development to which this screening opinion application relates, is for up to 160 homes comprising of up to two storeys in height.

The development would be accessible from Downs Road via a new pedestrian and vehicular access.

Site

The site extends to approximately 8 hectares ('ha') in size. The site is located to the south-west of Istead Rise, a residential area.

The Site predominantly comprises land currently in arable and pastoral agricultural use, classified as grade 3 agricultural land. Field boundaries are demarcated by trees and shrubs.

The site is not within a conservation area and not within a designated archaeological area.

The site is within Flood Zone 1 and has a low probability of flooding.

Submitted Documents/Plans

- Environmental Impact Assessment (EIA) Screening Request – Prepared by Iceni Projects Limited (June 2025)

Relevant Planning History

No relevant planning history.

Consultation

Environment Agency – We no longer respond to screening opinions and so have no comments to make.

Non planning consents - Although we have no comments, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different

activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

Natural England – Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

It is Natural England's advice, on the basis of the material supplied with the consultation, that the proposed development has potential likely significant effects on statutorily designated nature conservation sites or landscapes and further consideration is required.

Schedule 3(2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 requires consideration of the selection criteria for Schedule 2 EIA development and identification of 'environmental sensitivity'.

The proposed development is located within/partly within or has the potential for adverse effects on the following designated nature conservation sites or designated landscapes:

- Mucking Flats and Marshes Site of Special Scientific Interest (SSSI)
- South Thames Estuary and Marshes Site of Special Scientific Interest (SSSI)
- Swanscombe Peninsula Site of Special Scientific Interest (SSSI)
- Thames Estuary and Marshes Ramsar Site
- Thames Estuary and Marshes Special Protection Area (SPA)

Natural England has not assessed the significance of any impacts on these designated sites or landscapes. The proposed development may therefore be likely to have significant effects on the interest features for which these sites are notified or the purposes of designation and we advise you to consider further whether an Environmental Impact Assessment (EIA) is required.

Should you decide that an EIA is not required, Natural England advises that sufficient information on the potential impacts of this proposal upon these designated sites/areas is submitted with any subsequent planning application. We would be pleased to discuss this further with the applicant through our Discretionary Advice Service.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this proposal is likely to affect protected species to such an extent as to require an Environmental Impact Assessment (EIA). The developer must provide sufficient information for your authority to assess whether protected species are likely to be affected and, if so, whether appropriate avoidance, mitigation or compensation measures can be put in place. Further information is included in Natural England's standing advice on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. This development proposal may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land or on local landscape character that may be sufficient to warrant an EIA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission standing advice.

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the proposed development before determining whether an EIA is necessary.

Should you determine that an EIA is not required in this case, you should ensure that the application is supported by sufficient biodiversity, landscape and other environmental information in order for you to assess the weight to give these material considerations when determining the planning application.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Kent County Council Ecology – EIA NOT REQUIRED (ON ECOLOGICAL GROUNDS)

We have reviewed the submitted information in regard to determining if an Environmental Impact Assessment (EIA) will need to be carried out. We advise that on ecological grounds an EIA is not required.

Under the Town and Country Planning (EIA) Regulations 2017, developments falling within Schedule 1 always require an EIA and are referred to as 'Schedule 1' developments. This is not a Schedule 1 development.

If the development falls within the selection criteria for a 'Schedule 2' development then it needs to be determined whether the proposal is situated within a 'sensitive area' and/or whether it is likely to have significant effects on the environment. Sensitive areas as identified under Section 2(1) include the following:

- Sites of Special Scientific Interest (SSSI); and
- National Site Network sites, including Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsars.

If the proposed development is located in, partly in, or has the potential to have any negative effect on these sites, then an assessment will be required. The EIA Regulations also include World Heritage Sites, scheduled monuments, National Landscape and National Parks, which are not dealt with in these comments.

These proposals do meet the definition of a Schedule 2 10(b)(ii) urban development consisting of more than 150 dwellings, but are not located wholly or partly within an ecologically designated 'sensitive area'.

The application site is located within the 6km impact risk zone of the Thames Estuary SPA/Ramsar and is likely to result in increased recreational pressure to these designated sites. The 2017 EIA Regulations in recognition of the Court of Appeals decision in R (Loader) v Secretary of State for Communities and Local Government and others [2012] EWCA Civ 869 allows mitigation measures that are modest in scope and/or plainly and easily achievable to be taken into account by the local planning authority during screening. Where relevant in accordance with Regulation 5(5) these must be recorded as part of the authority's screening opinion. As Gravesham Borough Council has a SAMMS tariff system in place to mitigate recreational effects to the SPA/Ramsar, mitigation for this effect is considered to be plainly/easily achievable, presuming a tariff per new dwelling is paid by the developer.

To consider if the development will have significant effect on the environment, we have considered the selection criteria under 'Schedule 3(1)' (EIA Regulations 2017). These are:

- a. the size and design of the whole development;
- b. cumulation with other existing development and/or approved development;
- c. the use of natural resources, in particular land, soil, water and biodiversity;
- d. the production of waste;
- e. pollution and nuisances;
- f. the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge; g. the risks to human health (for example, due to water contamination or air pollution).

We have referred to the indicative thresholds and criteria published by the government¹ in assessing whether these selection criteria apply.

There are no statutory designated sites within or nearby to the boundary of the development and none of the above criteria appear to apply. Therefore, we advise that the site does not fall into an ecologically designated 'sensitive area', (although note that our comments do not include (d), (e) or (f) within the definitions of 'sensitive area' in the EIA Regulations 2017 in relation to archaeological, AONB and world heritage sites).

An Ecological Impact Assessment (EclA) and Biodiversity Net Gain (BNG) will be required as standard; the applicant has confirmed that this is understood in sections 4.37 and 4.39 of the Screening Request. As such, we believe that on ecological grounds an EIA is not required.

Kent County Council Highways – The decision as to whether an Environmental Impact Assessment is required rests with the Local Planning Authority. However, it is expected that any future planning application will be accompanied by a Transport Assessment and a Travel Plan. In addition, a condition requiring the submission of a Construction Management Plan—among other matters—would be requested.

At this stage, Kent County Council's key concerns include the site's rural location and whether it is, or can be made, sustainable in accordance with the National Planning Policy Framework. Furthermore, the applicant will need to undertake transport modelling to assess whether the proposed development would have a significant impact on the local highway network. This should include consideration of the cumulative impact of other potential developments that are likely to come forward as part of the Gravesham Borough Council Local Plan.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

Kent County Council Heritage – I will defer to your Conservation Officer in respect of Built Heritage matters and focus here on archaeological interest.

The site lies within an area of multi-period background archaeological potential. However, there is presently little known about the below-ground archaeological potential of the site, which will include geoarchaeological interest related to a dry valley in the centre of the site. There are no designated archaeological sites within the site or within 1km of the site.

The existing archaeological evidence and a consideration of potential does not indicate that the proposed development would trigger the need for EIA but any future planning application must be accompanied by an Archaeological Desk-Based Assessment, which should include a section on development impact assessment and mitigation proposals, and this work should include and make use of the results of a geophysical magnetometer survey. This combination of rapid, non-intrusive geophysical survey and desk-based assessment would allow for an informed planning decision to be made.

To provide for the management of the subsequent mitigation that would be required, including options for trial trenching and subsequent preservation of any significant archaeological remains and/or excavation, recording, post-excavation assessment, analysis, reporting and archiving, where remains would be destroyed, I recommend that the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

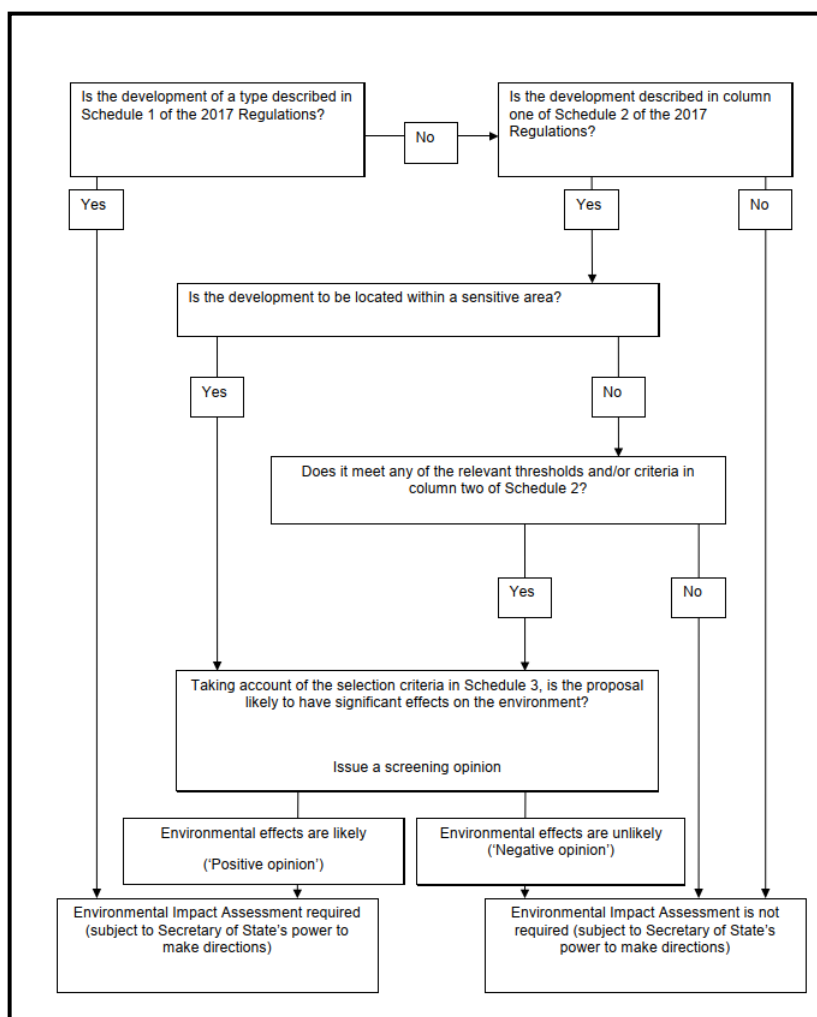
GBC Environmental Protection – The EIA Screening Request advises that the following reports will be submitted as part of any full application:

- Air Quality assessment
- Phase 1 Contamination Assessment
- CEMP
- Noise Assessment

These technical reports will enable any concerns relating the above topics to be addressed.

Procedure

The below flowchart shows how Environmental Screening opinions should be assessed:



Officer's Analysis

The relevant regulations to consider the screening request against is the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (herein after referred to as the Regulations, 2017).

The Council needs to consider if the proposed development is either Schedule 1 or Schedule 2 development and if so whether the development is likely to have a significant effect on the environment and therefore requires an assessment.

Schedule 1

The proposal does not fall within Schedule 1 of the Regulations (2017) that would require mandatory Environmental Impact Assessment (EIA).

<https://www.legislation.gov.uk/uksi/2017/571/schedule/1>

Schedule 2

The site is not located within a 'sensitive area' as defined by Regulation 2 (1) of the EIA Regulations, however the proposed development exceeds thresholds (ii) and (iii) as the proposal would include up to 160 dwellings in an overall area of more than 8ha. As such, the proposed development is considered to fall within Schedule 2 of the Regulations (2017).

<https://www.legislation.gov.uk/uksi/2017/571/regulation/2>

Schedule 3 Screening Criteria

Schedule 3 of the Regulations (2017) sets out the selection criteria for screening which are:

<https://www.legislation.gov.uk/wsi/2017/567/schedule/3>

Characteristics of development

1. *The characteristics of development must be considered with particular regard to—*
 - (a) *the size and design of the whole development;*
 - (b) *cumulation with other existing development and/or approved development;*
 - (c) *the use of natural resources, in particular land, soil, water and biodiversity;*
 - (d) *the production of waste;*
 - (e) *pollution and nuisances;*
 - (f) *the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;*
 - (g) *the risks to human health (for example, due to water contamination or air pollution).*

Location of development

2.—(1) *The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—*

- (a) *the existing and approved land use;*
- (b) *the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;*
- (c) *the absorption capacity of the natural environment, paying particular attention to the following*
- (d) *areas—*
 - (i) *wetlands, riparian areas, river mouths;*
 - (ii) *coastal zones and the marine environment;*
 - (iii) *mountain and forest areas;*
 - (iv) *nature reserves and parks;*

- (v) *European sites and other areas classified or protected under national legislation;*
- (vi) *areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;*
- (vii) *densely populated areas;*
- (viii) *landscapes and sites of historical, cultural or archaeological significance.*

Types and characteristics of the potential impact

3. *The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—*

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);*
- (b) the nature of the impact;*
- (c) the transboundary nature of the impact;*
- (d) the intensity and complexity of the impact;*
- (e) the probability of the impact;*
- (f) the expected onset, duration, frequency and reversibility of the impact;*
- (g) the cumulation of the impact with the impact of other existing and/or approved development;*
- (h) the possibility of effectively reducing the impact.*

Assessment

To ensure this is all carefully considered, where relevant, the Government provide an Environmental impact assessment screening checklist which they state can be used when screening for EIA although there is no obligation. This has been included within the submitted Environmental Impact Assessment (EIA) Screening Request.

The proposed development is not expected to give rise to significant effects. The existing use of the site comprises of agricultural land and is located within the wider context of residential development.

Summary

Having assessed the available evidence it is the Local Planning Authority's opinion that the proposal is not EIA development and that accordingly an Environmental Statement is not required to accompany a planning application.

Given the nature of the development, the location and non-sensitivity of the area, it is considered that the proposal would be unlikely to have a significant impact on the environment. Gravesham Borough Council therefore concludes that the development is not EIA development and that an EIA is not required.

Conclusion

The development proposed is for the residential development at Rose Farm, Downs Lane, Istead Rise.

It is concluded that **EIA is not required and a negative screening opinion be issued as the development is not likely to have significant environmental effects on the environment.**

The development does not constitute EIA development for the following reasons:

The proposal does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) regulations 2017, as amended, (referred to as "the Regulations") that would require mandatory Environmental Impact Assessment (EIA).

The development that is the subject of this screening request constitutes a 'Schedule 2 development' by reason of paragraph 10(b) of Schedule 2 of the EIA Regulations 2011.

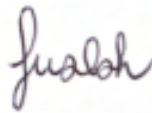
This screening opinion is based on the current regulatory framework and on the information and description of development as set out in the submitted Environmental Impact Assessment (EIA) Screening Request dated June 2025.

Without the implementation of the various further assessments and mitigation measures, as set out within the report to accompany request for screening opinions by Icen Project Limited on behalf of Esquire Developments dated June 2025, it would be considered that the proposal would lead to result in significant adverse effects on the environments.

In light of this, the Local Planning Authority considers the following assessments/reports being relevant to the proposal in terms of mitigating significant environmental impacts;

- Acoustic Assessment/Noise Impact Assessment
- Arboricultural Impact Report and Tree Survey (including protection/mitigation)
- Archaeology/Heritage Assessment
- Biodiversity Net Gain Assessment
- Construction Environmental Management Plan
- Construction Traffic Management Plan
- Design and Access Statement
- Drainage Strategy
- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Phase 1 Contamination report;
- Phase 2 Investigation/Remediation Assessments
- Planning Statement
- Preliminary Ecological Impact Assessment
- Surface Water Drainage Assessment
- Transport Assessment
- Travel Plan

Note: This assessment has considered the issue of whether such a development would require to be accompanied by an Environmental Impact Assessment and not whether such a development would be acceptable in planning terms and is made without prejudice to the future determination of any associated planning application for this development as proposed.

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	22 July 2025	Dated:	25 July 2025