



ECOLOGICAL ADVICE SERVICE

TO: *Alison Webster*

FROM: *Hannah Simmons*

DATE: *27 May 2026*

SUBJECT: *20260109 Land N Of Dawes Cottage, Northfleet*

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.

SUMMARY - ADDITIONAL INFORMATION REQUIRED

We have reviewed the information submitted in support of this application and advise that insufficient ecological information has been provided to determine the application. The following information is required prior to determination:

- Confirmation if the timber shed is to be removed from the site
 - If it is to be impacted, then one night-time emergence survey of the timber outbuilding will need to be undertaken

Bats

The submitted ecological report has outlined that the proposed development has the potential to have detrimental effects on bats and that a further night-time emergence survey is recommended if the timber outbuilding is to be impacted. It is currently unclear if the timber shed is to be removed from the site or not.

Bats are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species of bat (e.g., Bechstein's, noctule, soprano pipistrelle, brown long-eared) are also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance (aka. Priority Species) for conservation. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including the local planning

authorities, to conserve and enhance biodiversity. Government standing advice indicates that local planning authorities must have regard for the conservation of Section 41 species and all bat species as part of their planning decisions¹.

Therefore, to adequately address the potential effects on bats, we advise that further surveys will need to be undertaken (or reference made to available current data²) to ascertain the potential effects of proposals upon bats if the shed is to be impacted.

The necessary further surveys will need to be undertaken in accordance with best practice³ and by a suitably qualified and experienced ecologist⁴. Following further survey, the survey results, along with any necessary mitigation/compensation, will need to be submitted prior to determination of any planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005⁵ 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"*.

Recreational Disturbance and National Site Network Sites (Samms/Sammp)

The application site falls within the 6km zone of influence of the Swale Special Protection Area, Thames Estuary and Marshes Special Protection Area, Medway Estuary and Marshes Special Protection Area and their associated Wetland(s) of International Importance under the Ramsar Convention (Ramsar Site).

This type of development may cause additional recreational disturbance, and likely significant effects on birds using the SPA and Ramsar sites. As such, the North Kent Strategic Access Management and Monitoring Strategy (SAMMS for Medway, Swale, Thames Estuary), applies and the applicant will be required to make a tariff payment which is based on the net number of additional dwellings proposed. The payment is to mitigate for additional recreational effects on the designated sites. The local planning authority must ensure that adequate means are in place to secure this mitigation before first occupation.

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 (CHSR) 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

A decision from the Court of Justice of the European Union (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 the local planning authority to carry out an Appropriate Assessment as part of a Habitats Regulations Assessment (HRA).

¹ [Bats: advice for making planning decisions - GOV.UK](#)

² European protected species policies for mitigation licences - GOV.UK (www.gov.uk)

³ Bats: advice for making planning decisions - GOV.UK (www.gov.uk)

⁴ Suitably qualified ecologists can be found using either the: [CIEEM Registered Practice Directory](#) or the [Environmental Data Services Directory](#)

⁵ [odpm-circ-0605.qxd](#) (publishing.service.gov.uk)

For this type of development, it is possible to obtain an autogenerated Natural England advice letter.

Biodiversity Net Gain

The applicant considers the proposals to be exempt from statutory biodiversity net gain under the self-build exemption. For this exemption to apply, the proposals must:

- consist of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consist 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 the proposed dwelling(s) meet the definition of self-build or custom housebuilding as defined in the 2015 Act. The LPA should therefore ensure that the proposals meet the definition and that a mandatory 10% biodiversity net gain does not apply.

Government guidance on self-build and custom housebuilding indicates that “[in] considering whether a home is self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout ... Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing”.

A recent appeal decision⁶ indicates that a “*suitably robust mechanism such as a planning obligation/legal agreement or other means*” is necessary to properly secure a development as self-build and to prevent it reverting to an open market dwelling where a mandatory 10% biodiversity net gain would otherwise apply.

Ecological Enhancements

The proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of integrated bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of planning permission, if granted. This is in accordance with Paragraph 193 of the NPPF that “*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity*”.

A metric has been submitted to ensure that a net gain outside of legislative net gain can be obtained. The metric currently only covers the southern part of the application site. Where the proposed building is larger than the footprint of the existing structures and will cause the loss of the vegetation on site, there is a proposed loss of -43.69% of area habitat. However, there is sufficient space within the red line boundary to ensure that a net gain can be achieved, including the measures set out in Biodiversity Net Gain Report of hedgerow planting, improving the existing grassland to incorporate more wildflowers, and integrating ecological faunal features into the site.

⁶ APP/P4415/W/24/3356246 - 38 Goose Lane, Wickersley, Rotherham, S66 1JS.

If planning permission is granted we recommend that a condition is included requiring an biodiversity enhancement plan – we will provide suggested wording once the requested additional information has been submitted.

Lighting

Lighting in the vicinity of a bat roost or along commuting/foraging routes could result in disturbance resulting in roost abandonment, which is an offence under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended). Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the National Planning Policy Framework (NPPF) 2024.

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professionals '*Guidance Note 08/23 Bats and Artificial Lighting at Night*' should be consulted in the lighting design of the development.

We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission – we will provide suggested wording once the requested additional information has been submitted.

Hannah Simmons
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal. KB Ecology Ltd. 30 January 2026
- Habitat Plan Base Map. KB Ecology Ltd. Submitted 09 March 2026
- Biodiversity Net Gain Report. Submitted 09 March 2026