



ECOLOGICAL ADVICE SERVICE

TO: Genna Henry
FROM: Helen Forster
DATE: 10 November 2021
SUBJECT: Land At Denton Slipways, Gravesend 20211269

The following is provided by Kent County Council's Ecological Advice Service (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 whether sufficient and appropriate ecological information has been provided to assist in its determination.

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 have reviewed the submitted information in regards to determining if an Environmental Impact Assessment for Ecology is required. We advise that for this development under the terms of EIA regulations, there are unlikely to be any significant impacts. Therefore, an EIA for Ecology is not required.

Schedule 1

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.

EIA Screening

If the development falls within the selection criteria for a 'schedule 2' development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, 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 ecologically designated sites: Site of Special Scientific Interest (SSSI), European Sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar Sites)). 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 regulations also include World Heritage Sites, schedule monuments, Areas of

Outstanding Natural Beauty (AONB) and National Parks, which are not dealt with in these comments.

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

There are no statutory designated sites within or adjacent to the boundary of the development and 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). The Thames Estuary and Marshes SPA and Ramsar and the south Thames Estuary and Marshes SSSI is within 500 metres of the proposed development site but as the development site is hard standing we are satisfied that it does not provide functionally linked habitat and good practice measures can be implemented to avoid impacts from the construction/operational phase of the development on the designated sites.

The site is largely hardstanding/storage and therefore we are satisfied that the development site is unlikely to have significant populations of protected species present within the site.

After assessing the selection criteria outlined in Schedule 3 (EIA Regulations 2017) we are satisfied that the development is unlikely to have a significant impact on biodiversity.

Based on the above conclusions we advise that for this development an EIA for Ecology is not required.

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.

Future Planning application

The proposed development site does contain some habitat which may provide suitable habitat for protected species and the site is directly adjacent to the Thames. Therefore we would expect at least a preliminary ecological appraisal to be submitted with any future planning application. In addition we would recommend that any lighting associated with the proposal is designed to minimise further light spill on to the Thames.

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

Helen Forster MCIEEM
Biodiversity Officer