



ECOLOGICAL ADVICE SERVICE

TO: Katherine Parkin

FROM: Hannah Simmons

DATE: 21 November 2023

SUBJECT: 20231079 / Land North Of Viewpoint Place, Gravesend, DA12 4TU

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.

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 the proposed development has limited potential to result in significant ecological impacts.

We have taken this view because aerial photography of the site shows it has previously been horse grazed and likely therefore to be of low ecological value. However, it appears to have become overgrown in the last 12 months, so it is possible that protected/notable species are present. We advise a precautionary approach to clear the vegetation is used. This includes hand searching the vegetation prior to clearance.

Breeding birds

It is possible that breeding birds may be using the vegetation on site. We advise that the following informative is included should planning permission be granted.

Breeding bird informative – suggested wording

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

Designated Site

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

Biodiversity Net Gain and Ecological Enhancement

Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2023), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF (2023), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

Given the small size of the development, we are satisfied that no metric is required. We advise that a net gain can easily be achieved through the inclusion of native planting. A landscaping plan showing the planting of native species, plus details of how the planting would be established and managed, should be submitted if planning permission is granted.

To ensure that the measurable net gain can be achieved, we advise that the landscaping, establishment, and management plan(s) are secured with a condition if planning permission is granted and that other enhancements are also incorporated into an enhancement plan within the red line boundary, including bat and bird boxes, and log piles, in addition to the native planting.

Suggested condition wording

Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity, plus an establishment and management plan for native planting, will be submitted to, and approved in writing by, the local planning authority. This will include details of native and wildlife-friendly planting, durable bat and bird boxes, and log piles. The approved measures will be implemented and retained thereafter.

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

Hannah Simmons
Biodiversity Officer

This response was submitted following consideration of the following documents:
No ecological Information