



ECOLOGICAL ADVICE SERVICE

TO: *Ethan Bonthron*

FROM: *Jonathan Lynch*

DATE: *07 May 2025*

SUBJECT: *20250167 / Milton Place, Gravesend*

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 – FURTHER INFORMATION REQUESTED

We have reviewed the ecological information submitted in support of this application and advise that **further** information is requested from the applicant prior to determination of the planning application. This includes:

- A revised Biodiversity Net Gain (BNG) assessment with amended baseline habitat calculations; and
- Revised elevations plans with details of integral nest boxes in accordance with BS 42021:2022.

ECOLOGICAL CONSTRAINTS AND MITIGATIONS

The submitted Ecological Impact Assessment (James Blake Associates, February 2025) concludes that the application site is broadly unsuitable for most protected/priority species given its urban setting and largely uniform habitat composition. The only ecological constraint identified is nesting birds. As such, integration of measures to avoid impacts to

nesting birds into any Construction Management Plan (CMP) is strongly recommended. This would include avoiding vegetation clearance during the core nesting period which is March through August.

DESIGNATED SITES

The application falls within the 6km zone of influence of the Thames Estuary and Marshes Ramsar and SPA. As such, the North Kent Strategic Access Management and Monitoring Strategy (SAMMS¹) applies and the applicant will be required to make a tariff payment based on the net number of additional dwellings proposed to mitigate additional recreational effects on the designated sites.

Gravesham Borough Council must consider the impact the proposal will have on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

A recent decision from the 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 full HRA. Natural England may need to be consulted on this application at the appropriate assessment stage in accordance with the CHSR 2017 (Regulation 63[3]).

BIODIVERSITY NET GAIN (BNG)

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications received in England (with a few exemptions) must deliver at least a 10% biodiversity net gain (BNG) from the 12th February 2024 and all minor applications from the 2nd April 2024. Where required, the Statutory Biodiversity Metric will need to be used to demonstrate a minimum 10% biodiversity net gain. Local policy may request a higher level of net gain. Significant gains will need to be secured for at least 30 years.

Biodiversity net gain is a statutory requirement of this proposed development. References to the biodiversity value of any habitat or habitat enhancement are to its value as calculated in accordance with the biodiversity metric.

The submitted Statutory Biodiversity Metric (James Blake Associates, July 2024) describes the 1.3ha application site as a mixture of modified grassland, introduced shrubs and developed land with 21 trees. A 64m non-native, ornamental hedgerow is also recorded at baseline. The site's baseline biodiversity unit (BU) value is 2.4 habitat BU and 0.06 hedgerow BU. It is indicated that the proposals will deliver a BNG of 18.11% and 836.2% over these two unit types. This is to be delivered through compensatory tree

¹ [SAMMS tariffs – Gravesham Borough Council](#)

planting (97 small trees), hedgerow planting, creation of areas of neutral grassland, a SUDS basin, scrub creation and creation of vegetated gardens. There are some issues with the submitted BNG assessment which make these anticipated gains unlikely:

- 1. Baseline area habitat values are likely underestimated; and**
- 2. Baseline linear habitats are likely underestimated.**

1. The submitted BNG assessment describes the abandoned area of brownfield land to the south-west of the application site as a mixture of developed land (with zero biodiversity value) and 'introduced shrub'² which is an incorrect habitat classification. This has likely reduced the baseline BU value of the application site. The EcIA states on page 4 regarding this area of the site: *"[the] abandoned area within the south-western corner of the site provides more ecological value; however, this is isolated from other suitable habitat and is well-fenced, restricting access."* Lack of access is not listed as a limitation to the assessment in section 2.20. Elsewhere in the report this area is described as "scrub" (4.1). This area of the site should be reclassified in the biodiversity metric. It is probably urban 'vacant or derelict land' with areas of scrub. In any case, its condition should be assessed in line with professional judgement and justified in accordance with The Statutory Biodiversity Metric - Technical Annex 1: Condition Assessment Sheets and Methodology (July 2024).
2. The submitted BNG assessment states that, in terms of linear habitat (i.e. hedgerows and lines of trees) there is just 64m of 'poor' condition non-native and ornamental hedgerow onsite with a BU value of 0.06. However, lines of trees across the north and south-west boundaries are visible in 'Figure 4: Phase 1 Habitat Map' (see below) of the EcIA. We understand that these lines of trees are to be retained under the scheme, so they presumably have not been recorded individually (all recorded individual trees are marked as lost in the A-1 On-Site Habitat Baseline tab of the metric). Any tree which

Figure 4: Phase 1 Habitat Map



² "Non-native tall phanerophytes, mid phanerophytes or low phanerophytes planted in a garden or park setting." (UKHab v2, p. 538).

falls within the redline boundary of the site must be recorded at baseline (either individually or as a linear 'line of trees').

OTHER ENHANCEMENT MEASURES

The NPPF 2024 para. 187(d) states: *"Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs"*.

The submitted EclA recommends the provision of external bat and bird boxes on retained trees and new dwellings. Integral features are strongly preferred in line with the NPPF 187(d) and BS 42021:2022 'Integral nest boxes. Selection and installation for new developments'. The adopted Kent Biodiversity Strategy 2020-2045³ also contains the target: *"stop the decline of swifts by ensuring that every new house built in Kent contains one swift-box or nest-brick."* As swifts are an urban bird species, this is of particular relevance to this scheme.

As the proposals are for 15 housing units and 61 flats and the accepted ratio of integral nest boxes to residential units is 1:1, with 10-40+ for larger blocks of flats, at least 25 integral nest boxes should be provided (1 per housing unit and at least 10 in the block of flats). **As such, revision of elevations drawings is recommended at this stage so that the make, model and location of 25+ integral nest boxes is known prior to determination.** This is because this is a full application and integral features are often overlooked⁴ if they are not visible in elevations plans.

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

Jonathan Lynch
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Arboricultural Impact Assessment and Method Statement (Tracy Clarke Tree Consultancy, February 2025)
- Ecological Impact Assessment (James Blake Associates, February 2025)
- Existing Site Plan (JTP Studios, February 2025)
- Landscape and Ecological Management and Maintenance Plan (James Blake Associates, January 2025)
- Planting Plan (FPCR, February 2025)

³ [Kent Nature Partnership Biodiversity Strategy 2020-2045 \(kentnature.org.uk\)](https://kentnature.org.uk)

⁴ A recent report 'Lost Nature – housing developers fail to deliver their ecological commitments' (Wild Justice, 12 December 2024) found that, from a survey of nearly 6,000 houses across 42 developments, 47% of all promised ecological features had not been implemented.

- Proposed Site Plan (JTP Studios, February 2025)
- Statutory Biodiversity Metric (James Blake Associates, July 2024)