



ECOLOGICAL ADVICE SERVICE

TO: Sharon Sahota
FROM: Clair Thackray
DATE: 24 July 2023
SUBJECT: 20230665 The Red House , Shorne

Thank you for requesting advice on this application from KCC's Ecological Advice Service. This service provides advice to planning officers to inform Thanet District Council planning decisions with regard to the potential ecological impacts. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

SUMMARY – MORE INFORMATION NEEDED

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us including aerial photographs (most recent being dated May 2022) and biological records, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

The proposals include the addition of a residential structure and hardstanding to the site which will result in the loss of greenspace. Habitats and features including lowland deciduous woodland priority habitat and grassland lie within/immediately adjacent to the proposed building footprint, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. The red line building also includes the area of priority habitat woodland to the south. There are records for great crested newt (GCN), badger and common lizard for the surrounding area. The site lies within the Amber Risk Zone for GCN; a pond lies 140m from the site and the adjacent woodland habitat provides high suitability habitat for GCN. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines.

The EclA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and results of any additional surveys undertaken;

- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 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”*.

The EcIA will also ensure alignment with the National Planning Policy Framework (NPPF) 2021) and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021,) biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. The latest biodiversity metric can be used to demonstrate a measurable biodiversity net gain¹.

PRIORITY HABITAT

The development entails potential impacts to a ‘habitat of principal importance’, or priority habitat, as listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Paragraph 84 of the ODPM Circular 06/2005 states that *“...potential effects of a development, on habitats or species listed as priorities... ..are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions”*.

To enable the local planning authority to fully consider the impact the proposed development will have there is a need for this habitat to be considered as part of an Ecological Impact Assessment (EcIA) for the site. This could include a botanical survey of the site, alongside any proposals for relevant mitigation/compensation for the habitat loss. This information should be submitted prior to determination of the planning application.

Currently, we advise that there is insufficient information submitted to enable the local planning authority to fully consider the impact on the habitat of principal importance.

NORTH KENT SITES

The development includes proposals for a new dwelling / holiday accommodation 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

¹ Further information regarding the Defra biodiversity metric is available [here](#).

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.

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

Clair Thackray
Biodiversity Officer

This response was based on the following documents:

Location Plan. BES. June 2023.

Proposed floor and elevations plan. BES. June 2023.