



ECOLOGICAL ADVICE SERVICE

TO: Amanda Cue
FROM: Emma England
DATE: 04 December 2024
SUBJECT: 20241018 / Lomas, Cobham

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.

NO INFORMATION – MORE INFORMATION NEEDED

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 further information is sought from the applicant with regards to the potential for ecological impacts to arise.

Ecological Impact Assessment

Habitats and features (including the building for demolition) are present on and around the site, indicating ecological value and the potential for protected species presence (primarily roosting bats) that must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist¹, 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 any necessary additional surveys undertaken;

¹ Suitably qualified ecologists can be found using either the: [CIEEM Registered Practice Directory](#) or the [Environmental Data Services Directory](#).

- 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 EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005² 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 EclA will also ensure alignment with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system.

Mandatory Biodiversity Net Gain

This application was received by Gravesham Borough Council on 11th November 2024, and the application form declaration was signed 8th November 2024, according to the information available on the planning portal. The applicant has stated within the application form that 710 square metres (or 0.07ha) will be affected by proposals.

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2nd April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt^{3,4}).

Having reviewed proposals we note that the applicant considers the proposals to be exempt from mandatory biodiversity net gain, so that a mandatory biodiversity net gain of 10% will not apply. The applicant has stated that proposals meet the following criteria:

- consists of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consists 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 dwellings meet the definition of self-build or custom housebuilding as defined in the 2015 Act. Gravesham Borough Council should satisfy itself that proposals meet the definition and that biodiversity net gain does not apply.

North Kent Sites

The development includes proposals for an additional dwelling within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Wetland of International Importance under the Ramsar Convention (Ramsar Site).

² [odpm-circ-0605.qxd \(publishing.service.gov.uk\)](#)

³ [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](#)

⁴ [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](#)

Gravesham Borough Council must consider the impact the proposal will have on this designated site in accordance with the NPPF 2023⁵.

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.

The local planning authority (the “Competent Authority”) must also consult take into consideration Natural England’s advice in determining the application. The responsibility for carrying out a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment lies with the Competent Authority, Gravesham Borough Council.

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

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

Holt, T. (November 2024) Gravesham Borough Council. Application for Outline Planning Permission with some matters reserved. Lomas, Sole Street, DA12 3AX.

Tony Holt Design (October 2024) Outline Planning Site Plan Proposed. Lomas, Sole Street, Cobham, Gravesend, DA12 3AX.

⁵ “When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”