



ECOLOGICAL ADVICE SERVICE

TO: Lisa Fisher

FROM: Emma England

DATE: 01 October 2025

SUBJECT: 20241016 / Hand Car Wash and Dons Tyres, Northfleet

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: SUFFICIENT INFORMATION

We have reviewed the information submitted by the applicant and advise that sufficient ecological and biodiversity net gain information has been provided for determination. Recommended condition/informative wording is provided in Appendix 1.

Developer contributions will need to be provided to mitigate for recreational pressure within the zone of influence of designated sites of international importance.

Ecological Impact Assessment

No ecological information has been submitted with this application. As a result of reviewing the data available to us and the information submitted with the planning application, we advise that none will be needed. This is due to the location and scale of the proposals and limited potential for impacts to protected and priority species and habitats¹. However, we caveat that no site visit has been carried out and so we have taken a risk-based approach according to available information. There remains a small risk that roosting bats and

¹ We consider we have taken a proportionate approach to ensure that the provision of information within the planning application is appropriate to the environmental risk associated with the development and its location in line with Clause 4.1.2 of BS42020 (BSI, 2013).

nesting birds could make use of the site and we recommend including informatives on the decision notice should planning permission be granted.

Further we cannot advise on root protection areas and the local planning authority may wish to consult with a tree officer regarding the presence of trees adjacent to the site boundary.

Planning policy supports the integration of habitat features (e.g., bird and bat boxes) and wildlife-friendly soft landscaping even where mandatory 10% biodiversity net gain does not apply. Such measures can be secured by condition should planning permission be granted.

Biodiversity Net Gain

The applicant considers the proposals to be exempt from statutory biodiversity net gain under the self-build exemption. For this exemption to apply, the proposals must:

- consist of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consist 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 the proposed dwelling(s) meet the definition of self-build or custom housebuilding as defined in the 2015 Act. The LPA should therefore ensure that the proposals meet the definition and that a mandatory 10% biodiversity net gain does not apply.

Government guidance on self-build and custom housebuilding indicates that “[in] considering whether a home is self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout ... Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing”.

A recent appeal decision² indicates that a “*suitably robust mechanism such as a planning obligation/legal agreement or other means*” is necessary to properly secure a development as self-build and to prevent it reverting to an open market dwelling where a mandatory 10% biodiversity net gain would otherwise apply.

From a desktop study, it appears that there is no greenspace on-site. Provided this is the case, then, if a self-build and custom build exemption does not apply, it is likely that the de-minimis exemption would apply. This exemption applies where:

- The development will not impact any onsite priority habitat; AND
- The development will not impact more than 25 square metres of onsite habitat with a biodiversity value greater than zero; AND
- The development will not impact more than 5 metres of onsite linear habitat.

² APP/P4415/W/24/3356246 - 38 Goose Lane, Wickersley, Rotherham, S66 1JS.

N.B: Habitats with a biodiversity value of zero include: buildings, hardstanding, unvegetated garden, and artificial unvegetated; unsealed surface.

Please note that bare ground will attract a biodiversity value greater than zero within the metric.

Recreational Disturbance and National Site Network Sites (SAMMS)

The application site falls within the 6km zone of influence of the Thames Estuary and Marshes Special Protection Area and its associated Wetland of International Importance under the Ramsar Convention (Ramsar Site).

This type of development may cause additional recreational disturbance, and likely significant effects on birds using the SPA and Ramsar sites. As such, the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) applies and the applicant will be required to make a tariff payment which is based on the net number of additional dwellings proposed. The payment is to mitigate for additional recreational effects on the designated sites. The local planning authority must ensure that adequate means are in place to secure this mitigation before first occupation.

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

A decision from the Court of Justice of the European Union (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 Habitats Regulations Assessment (HRA).

The local planning authority (the "Competent Authority") must consult with and take into consideration Natural England's advice in determining the application. Natural England has provided advice on this application to the effect that:

"Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance".

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:

Breley (April 2025) Location Plan. 67-77 High Street, Northfleet, DA11 9HJ.

Breley (April 2025) Existing and Proposed Block Plan. 67-77 High Street, Northfleet, DA11 9HJ.

Natural England (September 2025) By Email Only: Planning Consultation: Demolition of the existing car wash garage and erection of a three storey building consisting of 2x 1 bed flats (studio), 6x 2 bed flats and 6x 3 bed flats Location: Hand Car Wash And Dons Tyres, 67 - 77 High Street, Northfleet, Gravesend Kent. Letter dated 25th September 2025.

Appendix 1: Suggested Condition/Informative Wording

Ecological Enhancement

Paragraph 187(d) of the NPPF 2024 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 updated NPPF encourages habitat features.

Suggested biodiversity enhancements include the provision of durable bird/bat boxes (for house sparrows, starlings, swifts or as appropriate to the development and preferably integrated into new structures), native tree/shrub planting, sowing of an appropriate wildflower mix, the creation of ‘hedgehog highways’ (13×13cm gaps in close board fencing). Integrated features (e.g. swift bricks or bat tubes) should be clearly visible on elevations plans.

Suggested Condition Wording:

Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of biodiversity enhancements, including:

- *a detailed, scaled soft landscaping plan and planting schedule;*
- *relevant habitat management measures; and*
- *provision of durable and suitably-placed bat and bird boxes.*

The Plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Roosting Bats

Suggested Informative Wording:

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0345 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website.

Breeding Bird Informative

Suggested Informative 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.

N.B.: It should be noted that some birds are capable of nesting outside of the core nesting period, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.