

## SUPPLEMENTARY INFORMATION

### PLANNING COMMITTEE - 25<sup>TH</sup> SEPTEMBER 2024

This report provides supplementary information following publication of the main report, for consideration by committee members in determining the following application.

#### **AGENDA ITEM 5 - EDC/23/0031**

##### **1no. Additional Representation**

During the course of the application Swanscombe and Greenhithe Ward Councillor David Mote submitted a representation on the application which is summarised as follows:

- *I think it is safe to say that the Ingress Park Community Centre will certainly support the provision of an additional area for car parking for the community centre. The creation of this essential parking facility will hopefully encourage the Town Council to finally open the long awaited Ingress Park community centre. I reserve my thoughts on this application in case it is to be heard by the Planning Committee.*

##### **Spelling Changes/Replacement words**

In paragraph 6.2 correct spelling of “scite” to “site”.

In Paragraph 6.6 change the word “expectation” to “exception”.

##### **Paragraphs Amendments**

Paragraph 6.8 - This is deleted.

Paragraph 6.14 – Replacement of the last sentence to read as follows:

In reaching this conclusion in the proper exercise of its functions as local planning authority EDC has had regard to, carried out and complied with its duties under the Wildlife and Countryside Act 1981 as amended, including its general duty under s.28G.

Paragraph 6.16 – Replacement text in paragraph 6.16 with the following:

For the avoidance of doubt the application is exempt from mandatory Biodiversity Net Gain requirements due to being submitted prior to the relevant legislation being introduced. As such policy M14(3) is not considered to apply.

##### **Additional Planning Appraisal**

1. In accordance with the NPPF (paragraph 186(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”. The proposal is considered to result in significant harm to biodiversity on account of having an adverse impact on the features of the site which caused it to be designated part of the SSSI. Whilst the development cannot be avoided through the use of an alternative site, it is considered that the on-site proposed mitigation would adequately mitigate against any of the harm

to the biodiversity. As such the development is considered to accord with paragraph 186(a) of the NPPF.

2. Policy M14 of the Dartford Local Plan states that development on sites designated for their biodiversity value will not be granted planning permission unless it can be clearly demonstrated that the biodiversity value will not be adversely affected by the proposals. Proposals on such sites must demonstrate that they will not adversely impact on the biodiversity value or ecological pathways. In this instance the development is considered to cause an adverse impact. Therefore, consideration has also been given to the NPPF as a material consideration that must be taken into account where relevant to a planning application.
3. NPPF paragraph 186(b) states that “development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.”
4. There are no alternative sites for land to be used for the development within the applicant's ownership and other alternatives have been explored including provision of the car park on the site of the Community Centre, however significant highways concerns have been raised with regards to this and as such this is not a viable opportunity. Whilst the development cannot be avoided through the use of an alternative site, it is considered that the on-site proposed mitigation would help mitigate against any of the harm to the SSSI. As discussed in subsequent sections of the main report, the mitigation measures proposed are supported by Natural England and KCC Ecology. Given this and given the significant benefits of the proposal for the wider community, it is considered that the proposed development in principle clearly outweighs the harm and likely impact on the features of the SSSI, and the proposed mitigation measures would contribute to wider habitat improvements at the site.
5. The proposal would result in benefits to the community including complying with Policy M17 which promotes community centres and as such the development is considered to comply with the development plan as a whole.

### **Draft NPPF**

Regard has been given to the draft NPPF currently out to consultation. The assessment of this application is not considered to be affected by the draft.