

Date: 22 December 2022
Our ref: 413779
Your ref: 20221064



Ms Genna Henry
Gravesham Borough Council

Customer Services
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By email only, no hard copy to follow

Dear Ms Henry

Proposal: Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works

Location: Northfleet Harbourside - Land surrounding Ebbsfleet United Football Club, Stonebridge Road, Northfleet

Thank you for your consultation on the above dated 16 November 2022 which was received by Natural England on the same day. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary of Natural England's advice

Further information required to determine impacts to designated sites

As submitted, the application could have potential significant effects on the following designated sites:

- Swanscombe Peninsula Site of Special Scientific Interest (SSSI)
- Swanscombe Marine Conservation Zone
- Thames Estuary and Marshes Special Protection Area and Ramsar Site

Natural England requires the following further information in order to determine the significance of these impacts and the scope for mitigation:

- A detailed, evidence based assessment of the potential for direct and indirect impacts to the above sites and full details of the avoidance and mitigation measures that will be implemented.

Without this information, Natural England may need to object to the proposal. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

Having reviewed the information submitted in support of this application, Natural England recommends that significant additional information is provided to allow a robust assessment of the potential implications of this application for statutory designated sites and the England Coast Path. Such an assessment will need to be based upon detailed survey information following good practice guidance.

Swanscombe Peninsula Site of Special Scientific Interest

The application site borders the Swanscombe Peninsula Site of Special Scientific Interest (SSSI). The site is notified for its geological, vascular plant, breeding bird and invertebrate interest. Unfortunately limited information is provided as to the potential impacts to the SSSI from this proposal and we recommend that a much greater level of evidence based information is provided at this stage to ensure that impacts can be avoided or fully mitigated.

The following information is required to understand the potential implications for the SSSI during the site preparation, construction and operational phases of the development and the scope for avoiding or fully mitigating the impacts:

1. A detailed assessment of the potential direct and indirect impacts to the breeding bird assemblage within the Swanscombe Peninsula SSSI.

Unfortunately the bird survey (Annex 3: Bird Survey Report to Chapter 14 Ecology and Biodiversity of the environmental statement does not appear to have been provided in the consultation documents. Without this it is not clear whether the breeding bird survey area included the Swanscombe Peninsula SSSI. Given the proximity of the development to the SSSI, Natural England would expect a breeding bird survey to have been undertaken to inform the assessment of any direct and indirect impacts to the breeding bird assemblage associated with the SSSI. For some species, such as nightingale, targeted surveys may also be required.

In addition to these concerns, the information provided within the environmental statement suggests that the breeding bird survey was undertaken towards the end of the breeding bird season and as such may not be sufficient to understand the potential direct and indirect impacts to breeding birds associated with the designated site; as such Natural England recommends further information is provided by the applicant on both the species present and the likely impacts of this proposal. This may require additional surveys.

2. A detailed assessment (based on robust survey information) of any potential direct and indirect impacts to vascular plants associated with the SSSI.
3. A detailed assessment (based upon robust survey information) of the potential direct and indirect impacts to invertebrate assemblage associated with the SSSI.
4. Further clarity on areas of the SSSI that will be subject to overshadowing, the duration and impacts that this will have for notified features and the habitats that support them (the existing information does not provide detailed quantification of these nor the mitigation measures that will be implemented). A detailed plan showing these impacts would be helpful (the plans provided seem to be limited to the application site itself rather than the surrounding land).
5. Further clarity on the changes to the microclimate within the SSSI resulting from this development with an evidence based consideration of impacts to habitats and species associated with the designated site.
6. Clarity on whether any species associated with the Swanscombe Peninsula SSSI are present within the application site itself and the mitigation (where required) that will be implemented to ensure that the resilience of the SSSI is not impacted.

7. A detailed air quality assessment (both dust and transport generated along the affected road network) for the Swanscombe Peninsula SSSI (and any other designated sites along the affected road network).
8. A detailed assessment of the potential for water quality and quantity impacts from the development to habitats within the Swanscombe Peninsula SSSI.
9. A detailed assessment of the potential urbanisation effects (including noise, lighting, disturbance, cat predation for birds, for example) that may result from the application to the species and habitats associated with the designated site.
10. A detailed assessment of the potential impacts to the SSSI from increased recreational disturbance impacts from residents.
11. A detailed and comprehensive consideration of the above impacts cumulatively with other developments.
12. A comprehensive, evidence based avoidance and mitigation strategy for the above where impacts are likely to result to ensure that the SSSI is not adversely impacted by the proposal.

The above information may require detailed surveys or assessments to be undertaken at specific times of year.

Swanscombe Marine Conservation Zone

Given the proximity of the application site to the Swanscombe Peninsula Marine Conservation Zone, there is the potential for impacts to result. As such, Natural England recommends that further clarity is provided in relation to the potential for any impacts and details of any avoidance and mitigation measures that may be required.

Thames Estuary and Marshes Special Protection Area and Ramsar site

Surveys undertaken for the London Resort Nationally Significant Infrastructure Project indicated that the Swanscombe Peninsula and the surrounding intertidal habitat was used by birds associated with the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site. The environmental statement for the London Resort indicated that, given numbers of birds associated with the SPA and Ramsar site, the area was functionally linked to the SPA and Ramsar site and as such mitigation measures were required.

Whilst no assessment of the potential impacts to wintering birds has been provided, Natural England acknowledge that wintering bird surveys are proposed for to be undertaken during the winter of 2022/23. It should be noted that two years of surveys are generally recommended to understand whether impacts are likely to result.

If the results of the wintering bird survey show that species associated with the SPA and Ramsar site are present and likely to be impacted, then the environmental statement will need to be updated. This should include the nature and scale of the impact and detail the mitigation measures proposed. It should also provide sufficient information for the Council to undertake a Habitats Regulations Assessment.

In addition to the potential for impacts to birds associated with the SPA and Ramsar site, the planning application relates to proposals for new dwellings within the zone of influence (6 kilometres) of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). It is the Council's responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) 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.

England Coast Path

Natural England has a duty to align the England Coast Path (ECP) around the whole of the English coast. The ECP is a new National Trail with an associated margin of land for the public to access and enjoy. To find out about progress of the ECP in your area, visit the Natural England website [here](#). The National Planning Policy Framework (paragraph 172) supports the creation and maintenance of a continuous signed and managed route around the coast.

In proposing an alignment, Natural England must aim to strike a fair balance between the interests of the public in having rights of access over coastal land and the interests of owners and occupiers of any land over which any coastal access rights would be conferred. We follow an approach set out in the approved [Coastal Access Scheme](#) and all proposals require approval by the Secretary of State.

One of the key alignment criteria set out by the Marine and Coastal Access Act 2009 is that it is desirable for the trail to adhere to the periphery of the coast and to provide views of the sea. We advise the applicant to consider making suitable provision for the ECP in this development proposal and we would welcome discussion about how this might be achieved.

Based upon the information provided, it appears that the current alignment of the England Coast Path in this area will need to be moved. The applicant should discuss any required route alteration of the National Trail with the Public Rights of Way department at Kent County Council and Natural England to agree an approach. The principle for the Coast Path is to keep the trail as close to the coast and estuary as possible and this should be followed with any realignment.

In addition, details of how the trail will be kept open as a continuous route during the development phase should be provided.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex A.

I trust these comments are helpful; we would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Sean Hanna on 0208 0266 064 or by email to sean.hanna@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sean Hanna
Senior Adviser
Sussex and Kent Team

Annex A: Natural England's additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

²<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)