



ECOLOGICAL ADVICE SERVICE

TO: Peter Price

FROM: Emma England

DATE: 04 August 2022

SUBJECT: 20220733 / FM Conway, Imperial Wharf

The following is provided by Kent County Council's Ecological Advice Service (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 whether sufficient and appropriate ecological information has been provided to assist in its determination. 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

We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.

However, it is recommended that planning conditions are in place if planning permission is granted with regards to the implementation of an appropriate lighting plan, Sustainable Drainage System (SuDS), suitable working methodologies during construction, and ecological enhancements. It is also recommended that steps be taken to ensure that suitable operational management is in place to prevent pollution of the River Thames.

The National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by: '*Minimising impacts on and providing net gains for biodiversity...*'.

Reasoning

It is noted within the Wilkinson Associates (June, 2022) Preliminary Ecological Appraisal that the site itself has negligible biodiversity interest.

It is also noted that there are no international, national or local statutory, or non-statutory designated sites within 1km of the site. Natural England, provided comments on the

application 2nd August 2022 and stated that, based on the plans submitted, that it considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

However, the proposed works are to occur directly adjacent to and over the River Thames. Further, the priority habitat, 'mudflats', is located directly adjacent to the site, along the River Thames. The Natural Environment and Rural Communities (NERC) Act 2006 imposes an obligation on all public bodies, including local authorities, to consider whether their activities can contribute to the protection of wildlife. The duty is created by section 40(1) of the Act, which states that: *"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."* Section 41 requires the Secretary of State to work with Natural England to publish a list of habitats and species that are a priority for local authorities to consider, for example, when assessing planning applications. Mudflats are a section 41 habitat.

In the absence of mitigation, there is a risk of pollution reaching the River Thames and mudflat habitat during both construction and operation.

No details have been provided regarding pollution prevention controls to be implemented during construction and that would be necessary to prevent pollution of the River Thames and mudflat habitats. A Construction Environmental Management Plan (CEMP) and/or suitable method statements submitted as part of the Flood Risk Activity Permit (FRAP) required for works to go ahead should be in place during construction in order to prevent pollution to ground water/surface waters and associated habitats and species. Condition wording for a CEMP can be provided on request.

Some consideration has been given to stating the pollution prevention controls proposed during operation of the new facilities on-site. Reference is made within the planning statement to containers, sealed and insulated pipes, containing spillages with regards to the silos, and licensed disposal of wastewater from bunding. It is assumed that the Environment Agency will provide comment upon the suitability of these measures in terms of pollution prevention control throughout the lifetime of the facility.

Submitted documents indicate water discharges into the River Thames are proposed and that a surface water drainage strategy has been produced to accompany the application. A suitable detailed strategy and maintenance programme should be secured in consultation with Kent County Council Flood and Water Management Team/ Environment Agency.

Lighting

It is noted that additional lighting is likely to be needed on-site. There are records of bats within 1km of the site. As lighting can be detrimental to nocturnal animals, including invertebrates and bats, the recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, *'Guidance Note 08/18 Bats and Artificial Lighting'*, should be considered when designing any lighting scheme for the proposed development. The lighting scheme should minimise additional light spill, particularly onto the River Thames.

Lighting Design – suggested condition wording (if required)

Prior to occupation an ecologically sensitive lighting plan shall be submitted to and approved in writing by the local planning authority. The plan shall:

- a) *Identify any areas / features on or off site that are particularly sensitive to light disturbance for ecological features; and*
- b) *Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not have any significant effect upon biodiversity features.*

All lighting shall be installed in accordance with the specifications and locations set out in the plan, and these shall be maintained thereafter in accordance with the plan. Under no circumstances should any other lighting be installed without prior to consent from the local planning authority.

Reason: To ensure that ecological interests will be fully conserved and enhanced.

Ecological Enhancements

Ecological enhancements are recommended to be included within this application in order to align with paragraph 180 of the NPPF: *'...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...'* It is noted that no ecological enhancements have been proposed.

Ecological Enhancements – suggested condition wording:

"Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The approved details will be implemented and thereafter retained."

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:

Consultant Hydrogeologists Limited (May 2022) Flood Risk Assessment: Land at Imperial Wharf. For FM Conway Limited.

Environment Agency (November 2021) Scoping request in respect of a proposed planning application for the installation of two additional bitumen tanks, load out gantry, the installation of a bitumen emulsion plant and alternative car parking. Land At Imperial Wharf, Clifton Marine Parade, Gravesend, Kent, DA11 0DY.

Gravesham Borough Council (December 2021) Screening Opinion Under Regulation 15. For a Screening and Scoping Request in respect of a proposed planning application for the installation of two additional bitumen tanks, load out gantry, the installation of a bitumen emulsion plant and alternative car parking on land at Imperial Wharf, Clifton Marine Parade, Gravesend, Kent, DA11 0DY.

Natural England (August 2022) Planning consultation: Installation of 2 additional bitumen tanks, load out gantry, bitumen emulsion plant & alternative car parking. Location: FM Conway Imperial Wharf Clifton Marine Parade Gravesend Kent DA11 0DY.

PDE Consulting Limited (November 2021) Truck Loading System. Imperial Wharf. KD.IMP.D.011.

PDE Consulting Limited (November 2021) Elevations – Proposed Silos, Bund Wall and Oil Heater. Imperial Wharf. KD.IMP.D.005.

PDE Consulting Limited (May 2022) Current Situation/Immediate Site Context. Imperial Wharf. KD.IMP.D.003.

PDE Consulting Limited (May 2022) Proposed Development. Imperial Wharf. KD.IMP.D.004.

PDE Consulting Limited (June 2022) Planning Application Supporting Statement. Imperial Wharf. For FM Conway Limited.

PDE Consulting Limited (July 2022) Location Plan. Imperial Wharf. KD.IMP.D.001.

Wilkinson Associates (June 2022) Preliminary Ecological Appraisal. Imperial Wharf, Gravesend, Kent. A2103/PEA v2 Final.