



ECOLOGICAL ADVICE SERVICE

TO: *Amanda Grout*

FROM: *Luke Wallace*

DATE: *16 June 2022*

SUBJECT: *20220226 / Former Northfleet Cement Works, Northfleet*

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.

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

The report states that *"It is anticipated that the established boundary vegetation will be retained and protected as part of the proposals"* and we are satisfied that this is reflected in the submitted plans. However, from the photographs and site description within the report, we highlight that there are two primary ecological considerations which should be addressed; protected species and invasive species.

Protected Species

The report highlights that reptiles may be present (corroborated by the photographs) but that the previous translocation exercise means that reptiles could likely be absent from the site. As such, the report recommends that a precautionary approach is taken whereby clearance works are carried out during the active reptile season and under supervision of an experience ecologist.

We concur and advise that these measures are secured via condition with any granted planning permission. Suggested wording:

From commencement of works (including site clearance), all precautionary mitigation measures for reptiles will be carried out in accordance with the details within the 'Ecology Technical Note' (AAe May 2022).

We also advise that a breeding bird informative is included. Suggested wording:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), 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. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Biodiversity and Invasive Species

Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

We also highlight that under Schedule 9 of the Wildlife and Countryside Act (as amended) (1981), it is an offence to knowingly allow the spread of, plant or grow specific invasive species. This includes Rhododendron Ponticum and, whilst ponticum was not specifically referenced in the report, a 'Rhododendron species' was found on-site (which could be ponticum).

We also highlight that removing invasive species, like the Rhododendron, Bamboo and Laurel (all identified on-site), would be beneficial for biodiversity.

As such, we advise that a non-native species removal plan is submitted to demonstrate safe and legally compliant removal (whilst improving biodiversity) and that a condition is attached to any granted planning permission. Suggested wording:

Prior to the commencement of works (including site clearance), a non-native species removal plan will be submitted to, and approved in writing by, the local planning authority, detailing the containment, control and removal of the non-native, invasive species listed within the 'Ecology Technical Note' (AAe May 2022). The measures will be carried out in accordance with the approved details.

Luke Wallace
Biodiversity Officer

This response was submitted following consideration of the following documents:
Ecology Technical Note. AAe. May 2022.