



Northfleet Harbourside –Response to Natural England and Kent County Council Ecology

This note contains responses to the Natural England (NE) response (dated 20th November 2023), and Kent County Council (KCC) Ecological Advice Service response (dated 23rd November 2023). The final responses have been updated in accordance with feedback received from the Discretionary Advice Service (DAS) meeting held on the 16th January 2024. Attendees of this meeting included Hannah Lee, Niall Walkden and Kate Fidczuk-Sterry from Natural England, the Applicant and the Applicants consultants including Trium Environmental Consulting, Assystem, GIA and Air Quality Consultants Ltd.

Email correspondence following the meeting can be found in Appendix 2 and Appendix 3. The DAS prepared by Natural England and issued on the 26th January 2024 (reference: DAS/A012422) can be found in Appendix 4.

This note provides further clarification in response to the comments raised by NE and KCC who are now in agreement with the approach the Applicant has set out with respect to the assessment and associated mitigation. The comments raised have not affected the conclusions of the EIA, which remain valid. This response is provided in line with the format of the respective comments from NE and KCC.

Table 1: NE and KCC Response

Ref	Section	Comment	Response
Natural England			
NE1	Additional Information required	Natural England sent a response to this application in December 2022 (our ref: 413779). Having reviewed the additional information submitted in response to our advice and in support of this application, we recommend that further additional information is still required to allow a robust assessment of the potential implications of this application for statutory designated sites and the England Coast Path. In the absence of such information, Natural England may need to object to this proposal.	Please see responses below.
NE2	Swanscombe Peninsula Site of Special Scientific Interest	The application site borders the Swanscombe Peninsula SSSI. This site is a corridor of habitats that connects the Ebbsfleet Valley and southern shore of the River Thames, and includes bare open ground habitats with low scrub cover, as well as wetland, grazing marsh and saltmarsh habitats. The Swanscombe Peninsula SSSI is notified for its geological, vascular plant, breeding bird and invertebrate interest.	Please see responses below.



Ref	Section	Comment	Response
		We acknowledge the 'Northfleet – Letter Response to NE Consultation' (2023) prepared by the Applicant to address our previous letter's advice regarding a greater level of evidence-based information to ensure impacts can be avoided or fully mitigated. We also welcome the measures included in the Design and Access Code (August 2023, rev. B) to promote nature recovery, biodiversity, green infrastructure and connecting people with nature. However, there remains significant information outstanding whereby impacts have been inadequately assessed or not adequately mitigated. We note that the Applicant states they are keen to develop mitigation with Natural England at the detailed design stage (which we understand as the Reserved Matters Applications stage). We advise, however, that impacts that are likely to significantly impact a sites designated features and appropriate mitigation to prevent this must be determined at the Outline Planning Applications stage. Therefore please see our following advice:	
NE3		1. Potential direct and indirect impacts to the breeding bird assemblage within the Swanscombe Peninsula SSSI. Natural England acknowledge the breeding bird survey carried out on 13th and 23rd July 2022 (Environmental Statement, Vol. 1, Annex 3) and that they concluded: (a) impacts from the Proposed Development upon breeding birds from the Swanscombe Peninsula SSSI and (b) the importance of the mudflats as foraging habitat for birds from the SSSI, were insignificant. We advise that these surveys provide an insufficient evidence-based; we recommend two surveys are conducted per month during the breeding months (typically May to August). Should the Applicant not wish to conduct these, they could assume the presence of any species for which the habitat is suitable and avoid/mitigate accordingly.	Breeding bird surveys carried out as part of the planning application were constrained as a result of site access. The timings of the breeding bird surveys were deemed to be suitable due to breeding species records also being taken during the Preliminary Ecological Appraisal in May 2022. During this survey one of the three Schedule 1 species which the site or neighbouring habitats has the potential to support whilst nesting was seen (little ringer-plover, black redstart, and Cetti's warbler). During the July survey Little Ringed Plover were seen with chicks so confirmed to be breeding, and no further surveys are required. A black redstart male was heard calling and therefore a precautionary approach was taken due to the suitability of the habitat and this species was assumed to be present breeding on-site due to the calling heard still within the breeding window. Further black redstart surveys were recommended as a result of the bird survey covering the whole of the breeding season (May to August) prior to construction when access is granted but have not been undertaken at this stage as access cannot be granted given the active industrial nature of areas of the site. For non-Schedule 1 species nesting bird inspections were recommended prior to any vegetation clearance or demolition works. Firstly, it is important to note that the ecology assessment adopts a worst-case assessment which assumes the presence of any species for which the habitat



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		Natural England acknowledges that the Applicant has considered potential impacts upon the breeding bird assemblage of the SSSI through (i) noise and lighting during construction and operational phases, ii) recreational disturbance, and (iii) cat predation. We address the mitigation proposed for these in following sections, however we advise the SSSI breeding bird assemblage may also be impacted through habitat loss through sterilisation due to overshadowing of dense scrub habitats in the south eastern corner of the SSSI by residential blocks in Character Area 3 of the proposed development (discussed further under point 4); birds associated with this include nightingale, bullfinch and garden warbler.	is suitable. Appropriate mitigation is provided and as a result no significant impacts are reported. Following the guidance at the time of survey, sufficient detail is available in the approach (combining survey information for the application site and previous survey data for the SSSI site) to reach robust conclusions on the impacts of the Proposed Development and mitigation proposed. The approach acknowledges the limitations of the previous survey data from the London Resort Scheme, as a result we are offering to complete surveys in 2024, as a condition to the outline application (in line with BS 42020, see below), to back up the information and provide refinement to the mitigation. We are confident that the surveys will not result in a change in the significance of impact, and any refinement in mitigation will be minor tweaks or influence of detail as it emerges, rather than requiring wholesale changes to building locations. British Standard 42020 allows for additional ecological investigations to be secured by way of planning condition in exceptional circumstances, such as <i>“where original survey work will need to be repeated because the survey data might be out of date before commencement of development”</i> and <i>“to confirm the continued absence of a protected species or establish the status of a mobile protected species that might have moved, increased or decreased within the site”</i>. With regards to the scope of the breeding bird surveys to be carried out in the SSSI, we are proposing for this to reflect the area of impact anticipated and, on a precautionary basis, complete the survey across a distance of 600m into the SSSI from the site boundary. We will carry out the full breeding bird survey from March through to September 2024. Within the DAS (Appendix 4) Natural England have noted <i>“Natural England are satisfied that, based on the ecology assessment adopting a worst-case scenario and assuming the presence of breeding birds that the mitigation measures allow a significant effect to be excluded on the breeding bird assemblage of the Swanscombe Peninsula SSSI. We concur with the Applicant’s proposal to carry out additional breeding bird surveys during 2024 in order to update previous data from the London Resort Scheme and agree with this being conditioned as part of the application’s Reserved Matters Stage”</i>. Natural England are satisfied with this approach, which they have confirmed in writing. Natural England are also satisfied with the points the EIA technical team provided in respect to ambient temperature, humidity and windspeed, which has been summarised below: • Ambient temperature would be consistent across the surrounding area for a given point in time and would not be affected by the Proposed Development on the site.



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			• Humidity would be consistent across the surrounding area for a given point in time and would not be affected by the Proposed Development on the site. • The wind speed within the SSSI would be reduced by the inclusion of the Proposed Development (as evidenced by the eradication of the baseline strong winds condition). As such, any wind-chill effect within the SSSI would be reduced by the inclusion of the Proposed Development, which would have a negligible to minor beneficial effect (not significant). • The level of solar radiation within the SSSI would be reduced by transient overshadowing due to the Proposed Development. During the winter this would make the conditions on cold days feel colder (i.e. an adverse impact) but during the summer this would reduce the sensation of heat on extreme hot days (i.e. a beneficial impact). The transient overshadowing analysis contained within ES Volume 3, Appendix: DSOGLI – Annex 5, shows that during the summer months that this would be localised only to the areas in the immediate vicinity of the Proposed Development in proximity to plots 17 and 18 and so the same portion would not be overshadowed for long periods of time. During the spring months, the shadows cast in the morning would be longer, and the region immediately north of plot 17 and 18 would be more persistently overshadowed throughout the day, gradually moving away by the late afternoon. Sterilisation of the habitat is therefore considered unlikely. The wind assessment shows that this region would be relatively calm and so would not exacerbate any cooling effects. The images re-provided within Appendix 1 of this response show that the extent of shadows is limited to those areas in close proximity to the site. As such, any effects (adverse or beneficial) throughout the year would only be of minor significance (not significant). In light of the above, the overall impact of the Proposed Development on the microclimate of the SSSI (accounting for ambient temperature, humidity, solar radiation/shading and wind speed) would be between minor adverse (not significant) and minor beneficial (not significant). These effects would also be limited to the east of the SSSI (Unit 12). With regards to overshadowing, Natural England requested further information regarding the overshadowing assessment. GIA provided the overshadowing plots post the meeting on the 16th January 2024. Written confirmation has been provided within Appendix 4 that Natural England are satisfied that the Proposed Development will not have a significant effect on Swanscombe Peninsula SSSI through overshadowing.



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			Images have been reprovided in Appendix 1 on the three key dates, as recommended by BRE Guidance. These are March/September 21st (equinox) at the mid-point of the year, representing an average amount of shading, June 21st (summer solstice) when the shadows are shortest, and December 21st (winter equinox) when shadows are longest. Except for in winter, the equinox and summer solstice dates would not cast permanent shadows on any particular area, beyond the absolute immediate vicinity of the Plot 19 parameter footprint. On the equinox, as the sun rises in the sky throughout the morning, shadows reduce in scale and there are breaks in between areas of shading, where sunlight can permeate through the blocks, particularly to the north of Plot 19 (represented by the 12pm image). By this time, the west of Plot 19 is almost completely free from shadow. Throughout the afternoon, as the shadows are directed towards the north east, most of the area the north of Plot 19, and all of the area to the west is unaffected by shadow. In June, the west and north are in sunlight at sunrise (approximately 6am) and would only see very small amounts of shadow in close proximity to the north and west of the building footprint throughout the afternoon, again with sunlight permeating through the blocks, until there is virtually no shading by the sunset (7pm). No area would be in permanent shadow. The overshadowing of habitat principally occurs in the early stages of the breeding season in March, where overshadowing extends across the peripheral areas in the south-east of Unit 12 with a small proportion of the scrub habitat to the north of Character Area 3 experiencing prolonged overshadowing at this time. However, the period of overshadowing of this reduces through the breeding season, with little overshadowing of this area in the summer period and the area to the west of Character Area 3 overshadowed in the morning only. The birds associated with this habitat are not early nesters, with the British Trust for Ornithology identifying that the first clutches for associated species laid between end-April to mid-May for bullfinch and early-May to mid-May for garden warbler and nightingale. Therefore, as the overshadowing is at its greatest early in the breeding season and reduces as this progresses and only affects a small proportion of the wider SSSI and SSSI Unit 12, the effect on bird species associated with this habitat is considered to be Negligible (not significant).



Ref	Section	Comment	Response
		We note that the Applicant proposes to conduct black redstart surveys covering the whole breeding season prior to construction; we welcome the Applicant complying with The Wildlife and Countryside Act but highlight this species is not part of the SSSI breeding bird assemblage. We further advise that bird surveys undertaken for the London Resort Scheme in 2019 and 2020 may be considered out of date and need to be re-done; we therefore caution the use of these bird surveys by the Applicant to inform their assessment of impacts from the proposed development (page 2, Northfleet – Letter Response to NE Consultation (2023)).	Subject to the relevant planning conditions, this point has now been agreed with Natural England, and no further information is required, as shown in Appendix 2 and Appendix 4 of this document. Noted. Noted, an appropriate approach has been suggested above that acknowledges the potential limitations associated with the data and allows for updated surveys to be carried out to inform mitigation matters within Reserved Matters Applications without holding up determination of the planning application.
NE4		2. Potential direct and indirect impacts to vascular plants associated with the SSSI. Natural England acknowledges that the Applicant's site survey did not find any notable plant species or habitats and therefore they do not anticipate any direct impacts upon vascular plants associated with the SSSI. We welcome the inclusion of green and brown roofs to provide habitat for vascular plants associated with the SSSI to colonise (Preliminary Ecological Appraisal (PEA), 2022, para. 10.1.5). We note that dust has been identified as a key factor to impact vascular plants of the SSSI (principally during the construction phase) and that the Applicant proposes that a Construction Environment Management Plan (CEMP) will be conditioned to mitigate these impacts. We are satisfied this is a suitable mitigation measure and advise you, as competent authority, to secure and review this before construction starts. We however advise that an assessment is carried out with specific attention to possible direct and indirect impacts to vascular plants associated with the SSSI from impacts caused	Noted. Green and Brown Roof are proposed as set out within the Design Code, Chapter 4: The Proposed Development and Chapter 14: Ecology and Biodiversity which specifically states that "<i>brown roofs to the north-eastern extent of the site (within the Riverside Neighbourhood Character Area) to allow for suitable habitat for black redstart and other bird species</i>" will be provided. Noted and agreed. The influence of the Proposed Development and subsequent overshadowing on the climate experienced within habitats would be as follows: • Ambient temperature would be consistent across the surrounding area for a given point in time and would not be affected by any development on the site. • Humidity would be consistent across the surrounding area for a given point in time and would not be affected by any development on the site. • The wind speed within the SSSI would be reduced by the inclusion of the Proposed Development (as evidenced by the eradication of the baseline strong winds condition). As such, any wind-chill effect within the SSSI



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		by overshadowing and changes to microclimate from the Proposed Development.	would be reduced by the inclusion of the Proposed Development, which would have a negligible to minor beneficial effect (not significant). • The level of solar radiation within the SSSI would be reduced by transient overshadowing due to the Proposed Development. During the winter this would make the conditions on cold days feel colder (i.e. an adverse impact) but during the summer this would reduce the sensation of heat on extreme hot days (i.e. a beneficial impact). The transient overshadowing analysis contained within ES Volume 3, Appendix: DSOGLI – Annex 5, shows that during the summer months that this would be localised only to the areas in the immediate vicinity of the Proposed Development in proximity to plots 17 and 18 and so the same portion would not be overshadowed for long periods of time. During the spring months, the shadows cast in the morning would be longer, and the region immediately north of plot 17 and 18 would be more persistently overshadowed throughout the day, gradually moving away by the late afternoon. The wind assessment shows that this region would be relatively calm and so would not exacerbate any cooling effects. The images re-provided within Appendix 1 of this response show that the extent of shadows is limited to those areas in close proximity to the site. As such, any effects (adverse or beneficial) throughout the year would only be of minor significance (not significant). In light of the above, the overall impact of the Proposed Development on the microclimate of the SSSI (accounting for ambient temperature, humidity, solar radiation/shading and wind speed) would be between minor adverse (not significant) and minor beneficial (not significant). These effects would also be limited to the east of the SSSI (Unit 12). The overshadowing analysis shows that the principal areas affected are peripheral habitats to the SSSI which are dominated by scrub and, as a result, are very unlikely to support the vascular plant species associated with the SSSI citation. Furthermore, the vascular plant species identified typically flower later in the active period, typically from May, when impacts associated with overshadowing are shown to be minimal within the SSSI and associated with the very peripheral areas of Unit 12. As a result, impacts associated with overshadowing are considered to be negligible (not significant). As noted in Appendix 2 below, subject to the relevant planning conditions, Natural England are satisfied that all points on overshadowing and microclimate have been addressed and no further information is required on this point.



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NE5		3. Potential direct and indirect impacts to invertebrate assemblage associated with the SSSI. Natural England notes that the Applicant considers there is no potential mechanism for direct or indirect effects upon invertebrate species associated with SSSI assemblage as a result of the proposed development. As such they conclude targeted invertebrate species surveys are not required. The Environmental Statement (ES) concludes that impacts would not be significant on invertebrate species during demolition, construction and operational phases due to the mitigation measures required to reduce impacts on the SSSI, such as a detailed CEMP and creation of further habitats on-site through brown and green roofs to replicate open mosaic habitat within the SSSI. We welcome the inclusion of green and brown roofs to provide habitat for invertebrates associated with the SSSI (Preliminary Ecological Appraisal (PEA), 2022, para. 10.1.5) and acknowledge that some level of ground disturbance is beneficial to invertebrate features of this SSSI. We however advise that an assessment is carried out with specific attention to possible direct and indirect impacts to invertebrates associated with the SSSI from impacts caused by overshadowing and changes to microclimate from the Proposed Development.	The influence of the Proposed Development and subsequent overshadowing on the climate experienced within habitats would be as follows: NE3 and NE4 provides a response to microclimatic changes likely to be experienced by the Proposed Development which concludes that the overall impact of the Proposed Development on the microclimate of the SSSI (accounting for ambient temperature, humidity, solar radiation/shading and wind speed) would be between minor adverse (not significant) and minor beneficial (not significant). These effects would also be limited to the east of the SSSI (Unit 12). The overshadowing of habitat principally occurs in the early stages of the year in March, where overshadowing extends across the peripheral areas in the southeast of Unit 12 with a small proportion of the scrub habitat to the north of Character Area 3 experiencing prolonged overshadowing at this time. However, the period of overshadowing of this reduces through the year, with little overshadowing of this area in the summer period and the area to the west of Character Area 3 overshadowed in the morning only. The invertebrate assemblage is principally associated with bare sand and chalk, open short swards, open water on disturbed minerals/ sediments and saltmarsh and transitional brackish marsh. These habitats are largely unaffected, with the peripheral scrub habitats principally affected by the overshadowing from the Proposed Development. The scrub habitat and other habitats subject to short-term overshadowing will provide supporting habitat to the invertebrate species, however the extent of that impacted within the SSSI is limited. Furthermore, whilst the overshadowing may have some potential for impacts on some invertebrate species, it will create variety in the microhabitat present on the site that will favour some species and create further opportunities for diversity in the invertebrate assemblage as well as potential relief during extreme temperatures. With climate change predicted to increase the frequency of such events, areas of overshadowing may provide further value to invertebrates as mean temperatures increase. Consequently, the effect associated with overshadowing are considered to be negligible (not significant). As noted in Appendix 2 below, subject to the relevant planning conditions, Natural England are satisfied that all points on overshadowing and microclimate have been addressed and no further information is required on this point.



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NE6		4. 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 Design Code illustrates that residential blocks in Character Area 3 – Parkland, will consist of building heights of up to 35m, 51m and 66m. Natural England notes that overshadowing of the SSSI from the proposed development is identified for the southern corner of the SSSI next to the Lower Road, and that some of the SSSI here will be overshadowed almost permanently where there is dense scrub habitat. The Applicant says this habitat is unlikely to be sensitive to overshadowing. We advise that this is not insignificant and will have an impact upon microclimate (discussed below) and also cause loss of SSSI through sterilisation (e.g. lack of solar radiation). We further advise that although this is currently dense scrub, given the nature of the SSSI and its management, it is likely in future this will be opened up and as such overshadowing has a potential to impact more habitats/species. There is no mention of any mitigation for this potential loss of SSSI and we strongly advise the Applicant to explore alternatives (for example, in building height, arrangement and location) to prevent the overshadowing of the SSSI. We suggest these alternatives could also link to other benefits such as building resilience of the SSSI and protection against cat predation.	Whilst overshadowing of the SSSI will occur as a result of the Proposed Development, the responses to the above demonstrates how this is not considered to adversely affect the notable populations of breeding bird, vascular plant and invertebrate assemblages associated with the site. Whilst some areas of habitat are subject to prolonged overshadowing in the spring, the overshadowing study identifies that this area is not subject to prolonged or extensive overshadowing in the summer period. The overshadowing of habitat principally occurs in the early stages of the year in March, where overshadowing extends across the peripheral areas in the south-east of Unit 12 with a small proportion of the scrub habitat to the north of Character Area 3 experiencing prolonged overshadowing at this time. However, the period of overshadowing of this reduces through the year, with little overshadowing of this area in the summer period and the area to the west of Character Area 3 overshadowed in the morning only. Sterilisation of the habitat as a result of overshadowing from the Proposed Development is therefore considered unlikely. As discussed above, whilst the overshadowing can impact upon the habitats in the winter period and make cold periods feel colder it can also provide relief in extreme heat events by providing areas that are cooler than the surrounding environment. It is predicted that climate change will make extreme heat events more frequent, therefore the overshadowing created by the scheme could create pockets of habitat that enable species to be more resilient to the impacts. In addition, the presence of overshadowing could favour shade-tolerant floral and faunal species, creating new habitat opportunities within the SSSI that could support the diverse assemblage of the site. Therefore, as the area impacted is minimal in the context of the SSSI and SSSI Unit 12, peripheral to the site, is less likely to support notable species within the citation and can create new habitat niches, the effects of the Proposed Development are considered to be negligible (not significant). As noted in Appendix 2 below, subject to the relevant planning conditions, Natural England are satisfied that all points on overshadowing and microclimate have been addressed and no further information is required on this point. Alternatives in terms of massing, arrangement and location of buildings have not been considered, but control measures have been developed and will be placed upon the detailed design with regards to aspects such as cat predation. A Design Code Addendum for ecology has been produced and is provided as



Ref	Section	Comment	Response
			Appendix 4 of this note, to include these specific control measures. Further information on cat predation mitigation is outlined in ref NE11 below.
NE7		5. 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. Natural England acknowledges the comments made in response to this point in our previous letter in the 'Northfleet – Letter Response to NE Consultation' (2023) in relation to wind. We acknowledge that strong wind conditions for the site were recorded at baseline and not as a result of the Proposed Development. However, we highlight that microclimate is impacted by factors including but not limited to wind, such as radiation, shade, humidity and air temperature. We strongly advise that the impacts of overshadowing of the southern corner of the SSSI upon microclimate are also considered, and that potential changes to microclimate are then used to assess impacts on the habitats and species of the SSSI. Microclimate modelling could be a helpful tool to assess and visually show changes to air temperature, moisture, wind, radiation etc. as a result of the proposed development.	The comment is correct in that the climate which is experienced within a space will be influenced by ambient temperature, humidity, solar radiation (or shading) and wind speed. As already discussed in NE3 and NE4, the Proposed Development would likely influence microclimate in the following ways: • Ambient temperature would be consistent across the surrounding area for a given point in time and would not be affected by any development on the site. • Humidity would be consistent across the surrounding area for a given point in time and would not be affected by any development on the site. • The wind speed within the SSSI would be reduced by the inclusion of the Proposed Development (as evidenced by the eradication of the baseline strong winds condition). As such, any wind-chill effect within the SSSI would be reduced by the inclusion of the Proposed Development, which would be a negligible to minor beneficial impact (not significant). • The level of solar radiation within the SSSI would be reduced by transient overshadowing due to the Proposed Development. During the winter this would make the conditions on cold days feel colder (i.e. an adverse impact) but during the summer this would reduce the sensation of heat on extreme hot days (i.e. a beneficial impact). The transient overshadowing analysis contained within ES Volume 3, Appendix: DSOGI – Annex 5, shows that during the summer months that this would be localised only to the areas in the immediate vicinity of the Proposed Development in proximity to plots 17 and 18 and so the same portion would not be overshadowed for long periods of time. During the spring months, the shadows cast in the morning would be longer, and the region immediately north of plot 17 and 18 would be more persistently overshadowed throughout the day, gradually moving away by the late afternoon. The wind assessment shows that this region would be relatively calm and so would not exacerbate any cooling effects. The images re-provided within Appendix 1 of this response show that the extent of shadows is limited to those areas in close proximity to the site. As such, any effects (adverse or beneficial) throughout the year would only be of minor significance (not significant). In light of the above, the overall impact of the Proposed Development on the microclimate of the SSSI (accounting for ambient temperature, humidity, solar



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			radiation/shading and wind speed) would be between minor adverse (not significant) and minor beneficial (not significant). These effects would also be limited to the east of the SSSI (Unit 12). Given the above, and that there are no standard metrics for assessing the results of full outdoor thermal modelling with respect to habitats and wildlife, no further modelling is considered necessary. Natural England are satisfied this point has been addressed and no further information or clarification is required.
NE8		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. Natural England welcomes the Applicant proposal to create wildlife corridors and green spaces, as well as provide complementary habitat for notable species within the SSSI (such as brown roofs for invertebrates and birds). We note from the Design Code that residential buildings are proposed to abut the SSSI in Character Area 3 – Parkland and therefore also welcome the inclusion of a new buffer zone proposed along the boundary of the Proposed Development between the residential properties and the SSSI; this may also benefit protection against cat predation by creating more separation between residential buildings and the SSSI (Northfleet – Letter Response to NE Consultation (2023)).	A Design Code Addendum, as shown in Appendix 5, was issued to Natural England on 17/11/2023. This Design Code Addendum has been prepared specifically in relation to ecological measures, focusing on mitigation to be included within the detailed design of the Proposed Development in order to manage impacts upon the SSSI. This includes cat proof fencing and a buffer zone incorporating thick and tall scrub; it is proposed that such planting would be planted early in the construction phase to enable the vegetation to be fully established prior to occupation. Direct access into the SSSI from the site will not be incorporated. Signage is proposed that will detail the important aspects of the SSSI and its value. The Application Site offers little in the way of habitat opportunities for the species associated with the SSSI. The dominance of artificial habitats and associated landscaping and their high level of maintenance disturbance minimises their supporting potential for the vascular plants, invertebrates and breeding birds identified to be associated with the SSSI. However, the introduction of new habitats as part of the development, in particular green roof habitat that provides open and relatively undisturbed opportunities, have the potential to provide some supporting potential for species associated with the SSSI and help increase its resilience to impacts – in particular invertebrates and ground nesting birds such as lapwing.
NE9		7. 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). Natural England acknowledges that Chapter 8 in ES Vol. 1 assesses the increase in vehicle emissions both during construction and operational stages and concludes impacts on local air quality will not be significant. Given the industrial nature of the existing site, it is likely air quality in the long-term will be	The industrial uses within the application site and the likely pollutants emitted, include: • Aggregates/ concrete handling and processing – dust; • Asphalt production – PM₁₀ and sulphur dioxide, potentially also polycyclic aromatic hydrocarbons; and • Petrol station – benzene. With the removal of the above industrial uses on-site, benefits are unlikely to be significant. This is mainly because the predominant wind direction in the UK



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		improved for the SSSI from the Proposed Development, but we advise this needs to be evidenced through specific assessments on the SSSI's habitats and species. We note the assessment of dust and traffic impacts to ecological receptors, including the SSSI which has 'medium sensitivity' to construction works, within Chapter 8 of the ES Vol. 1. The Applicant proposes mitigation is achieved through a Dust Management Plan (DMP) and an industry-standard CEMP. We advise this is secured and reviewed prior to construction beginning.	is from the southwest and so existing emissions from the industrial processes will, for the majority of the time, be blown towards the River Thames and away from the SSSI. The Air Pollution Information Service (APIS) identifies sensitive features of designated sites and the associated Site Relevant Critical Loads. APIS identifies that the invertebrate assemblage for the site is sensitive to nitrogen and acidity, however for both it states that there are no comparable habitat with established critical load estimate/ insufficient knowledge to make a judgement of the impacts on the species. Therefore, as pollutants derived from the site are unlikely to comprise a significant contribution to deposition on the SSSI and in the absence of detailed information on the site and existing deposition levels compared to the minimum and maximum critical load, consideration of beneficial effects on a qualitative basis are considered appropriate. Natural England are satisfied this point has been addressed, and no further points of clarification are required. Noted and agreed.
NE10		8. Water quality and quantity impacts from the development to habitats within the Swanscombe Peninsula SSSI. Natural England has reviewed the Flood Risk Assessment and Surface Water Drainage Strategy (September 2023) and the proposed Sustainable Urban Drainage System (SuDS) features. We note in the Montagu Evans document (August 2023 v.1, page 23) that the Avison Young Review says, "the [Environment Agency] EA have requested a site specific flood risk model ... and consider the findings of the existing model – a very low level of flood risk to the site – are inaccurate and should not be used as the only assessment for fluvial flooding." Based on this we are unable to concur that, together with the mitigation measures in the Proposed CEMP and SuDS, impacts upon water quality and	During consultation, the EA raised concerns with the current understanding of fluvial flood risk in the study area. It was recommended that a new flood modelling exercise was undertaken to provide an improved understanding of flood risk for the Proposed Development, and this has since been undertaken for the River Ebbsfleet. The new flood modelling indicates that there is currently no fluvial flood risk to the site in any design event. The reason there is no flooding to the site is due to the location of the raised road embankments located upstream of the long culvert. This model is in the process of being accepted by the EA. With regards to the exceedance flow routes on-site, only a small area of the northwestern part of the site will flow towards the Swanscombe marshes. The majority of the site falls away and downstream from the Marshes toward the



Ref	Section	Comment	Response
		quantity of the SSSI should not be significant. Please re-consult us once the Applicant has responded to the EA's advice on this issue and the model findings are considered reliable. We also bring to your attention the FRA & SWDS (2023, para. 4.18), which states during exceedance events (should the proposed drainage system become blocked) any water leaving the site would be routed along the road network towards the River Ebbsfleet, River Thames and Swanscombe Marshes. We cannot assess the potential impacts of these events upon the SSSI, but advise that any potential impacts are assessed and if significant, mitigation is proposed.	Ebbsfleet and Thames. The surface water drainage strategy provides attenuation within the SuDS features for the 1 in 100 year plus 40% climate change allowance and ensures that during an extreme event, additional storage would be provided in the form of shallow flooding of hard-paved areas. As detailed in the Drainage Strategy, there is a proposed reduction of 98.7% in discharge rate from the Proposed Development, providing a significant betterment in water quantity when compared to the existing site. The Drainage Strategy splits the site into three sub-catchments and all three catchment areas discharge to Robins Creek to the east (either via gravity or pumping). There is no discharge to the west towards the marshes. It would only be when an exceedance event occurs (an event above the 1 in 100 year 40% climate change) whereby some flows from the north-western part of the site would runoff towards the SSSI. This would be difficult to determine as it would only occur during exceedance events, however it is important to note that this would be no different to what would occur in the existing scenario during an exceedance event. With regards to water quality, according to the SuDS Manual, the existing land uses have a High pollution hazard level given the industrial nature of the site. The part of the site that falls towards the marshes have proposed land uses of Medium to Low pollution hazard level and therefore, in the unlikely event of an exceedance event occurring, there would be a betterment in water quality for runoff from the Proposed Development when compared to the existing site. Natural England are satisfied this point has been addressed and no further information is required (Appendix 2 - Appendix 4).
NE11		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. <i>Lighting</i> We welcome the incorporation of wildlife-sensitive lighting within the Design Code and note that a lighting management strategy has been proposed for the construction phase, however we advise that the impacts of artificial lighting directly upon features of the SSSI should be avoided. We also welcome the inclusion of a tree-line to limit visual disturbance for breeding birds (e.g. Cetti's Warbler) at Robin's Creek.	<i>Lighting</i> The lighting design, completed at the Reserved Matters stage, will consider best practice measures to provide mitigation to light spill from both the public realm and residential properties into the SSSI. In general, residential buildings would not emit high levels of light spillage, as lights are typically off at night, or blinds/curtains are likely to be drawn. The plans show that the Plot 18 and 19 buildings would be between approximately 10-20m from the site boundary, and the lux levels from residential lighting would largely dissipate at these distances. Additionally, the inclusion of boundary planting will provide a buffer zone between the final buildings and SSSI habitat and consideration will be given to best practice measures, as discussed in the Institute of Lighting Professionals (ILP's) Guidance Note 8 in relation to bats and artificial lighting, including aspects such as fitting and luminaire types, heights, direction and control mechanisms to limit periods of illumination. Consideration will also be



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		However, we advise that lighting assessments are currently limited to impacts within the proposed development site and therefore need to specifically assess impacts to the SSSI's habitats and species.	given in the lighting design for the high-rise apartments, particularly those in close proximity to the SSSI. As discussed by the ILP and illustrated below, measures such as recessing fittings, considering lighting positions within rooms relative to sensitive window locations and the effect of balconies can reduce the spread of light into the sensitive SSSI habitats and will be considered at the detailed design stage. The ES will not be updated to include these mitigation measures (as per Natural England's request in the DAS) as a wildlife sensitive lighting strategy is already proposed within the ES and this mitigation can be secured through a planning condition. Natural England has advised that mitigation measures for lighting impacts are included by condition and the Applicant clearly identifies specific best practice standards that will be adhered to in order to keep lighting impacts from residential blocks adjacent to the SSSI boundary within acceptable levels for the breeding bird and invertebrate assemblages of the SSSI.
		<i>Noise</i> Natural England notes from Chapter 9 of ES Vol.1 that there is a small portion of the SSSI that borders the development site (in the south-eastern corner) where noise is expected to temporarily exceed 70dB. We advise that mitigation is proposed to address this impact. We welcome the inclusion of a Precautionary Working Method Statement (PWMS) within the CEMP, specifically the use of visual and noise barriers for overwintering birds, avoiding noisy and disturbing works outside of sensitive periods for birds of the SSSI, and use of low impact machinery to limit noise and vibration disturbance if works are undertaken in the breeding season (para. 9.2.6, PEA, 2022).	<i>Noise</i> The noise assessment concluded that any notable increases in noise level at the border with the SSSI will be during the construction. The operational noise impacts generally show a reduction or no increase in noise levels at the SSSI boundary. The plots that border the SSSI are Plots 18 and 19. The highest noise levels associated with the construction of these plots were evaluated within timeslice 1 (demolition at plot 18 and substructure works at plot 19) and timeslice 2 (plot 18 substructure). Without mitigation the highest evaluated sound pressure levels at these receptors were LAeq,10h 69 dB during timeslice 1 and LAeq,10h 64 dB during timeslice 2. These calculations were completed at the façade of the properties, so equivalent sound levels in free-field conditions (as per the conditions within the SSSI) would be 3 dB lower, i.e. LAeq,10h 66 dB during timeslice 1 and LAeq,10h 61 dB during timeslice 2. The predictions and images illustrate that the remaining timeslices/periods of the construction programme are not expected to result in particularly high noise levels at the SSSI (<50 dB). As noted in the chapter, with mitigation the noise emissions would reduce. An overview of the construction assumptions applied suggested that the following mitigation measures would be beneficial in reducing noise emissions:



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			• Stricter time restrictions on the noisy activities at plots 18 and 19; • Not completing simultaneous noisy activities at plots 18 and 19; • Limiting the number of noisy activities on each plot (e.g. 1 piling rig instead of 2); and • Positioning stationary activities (e.g. concrete crushing) as far away from the SSSI as feasible. With these measures it is estimated that noise emissions can be reduced by around 5-10 dB. Further measures, such as screening, would be expected to reduce noise levels at ground level only so may not be effective in the goals of protecting the SSSI. Nevertheless, a site hoarding will be adopted which was not considered within the assessments. At best, a site hoarding would be expected to reduce noise levels by a further 10 dB, though for simplicity this loss has not been considered further. It is likely that with mitigation measures outlined above that the sound levels within 10m of the Proposed Development boundary would be in the region of LAeq,10h 56-61 dB during timeslice 1 and LAeq,10h 51-56 dB during timeslice 2. Noise levels further away from the Proposed Development boundary would be lower still, such that they would be comparable to the existing ambient noise environment. The context of the site is important, in a busy industrial location that will generate a range of noise disturbance to which birds present will be tolerant to. The type of noise generated is also important, with impulsive noises typically associated with activities such as piling generally eliciting a response rather than consistent noise generation. Through the CEMP it is proposed measures can be managed to mitigate impacts on birds including through avoidance of key sensitive timings, inclusion of soft-start methodologies in notable locations (which gradually increase disturbance intensity/level allowing species to become habituated to it) or consideration of methodology, with some methodologies generally generating less intrusive noise. Natural England is satisfied with the information provided, and therefore no further information is required on this point (refer to Appendix 2 - Appendix 4 for further information).



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		<i>Cat predation</i> The 'Northfleet – Letter Response to NE Consultation' (2023) states that the current cat predation within the area is unknown, as is the predation rates of the breeding birds within the SSSI. The Applicant reasons that because the proposed development is largely apartment-led, if the residents' owned cats, they would likely not stray outside given they have limited outdoor space (aside from balconies). We do not concur with this reasoning and advise that cat predation may pose a significant negative impact upon the breeding bird assemblage of the SSSI and therefore requires an evidence-led assessment. The Applicant proposes the use of cat-proof fencing. We welcome the initiative to address cat predation, but we advise this could have limitations: it is visually less attractive; it is not fully effective as it is possible for cats to either climb or simply run to the end of the fencing; it can fragment habitats and inhibit movement between species. We therefore encourage the Applicant to (a) estimate cat numbers associated with the proposed new dwellings and (b) explore other mitigation measures, drawing on case studies, that will limit cat predation within the SSSI. For example the use of permanently wet ditches could be considered as a more effective measure.	<i>Cat predation</i> Cat predation has been discussed at length through the Discretionary Advice Service and subsequent conversation. Natural England is satisfied with the evidence provided to illustrate the use and efficacy of cat-proof fencing and dense shrub planting to address the impacts from cat-predation (Appendix 3). Further context regarding Natural England's concerns are provided below. The proposed planning conditions required in order to manage any impact from cat predation follow thereafter. The Design Code Addendum, as provided in Appendix 5, draws upon the further research and discussions undertaken, and includes mitigation to be included within the detailed design of the Proposed Development in order to manage impacts upon the SSSI. It is considered that the use of thick and tall-shrub, such as hawthorn and blackthorn, within the buffer zone (in addition to the cat proof fencing) would make the planting difficult to penetrate and therefore reduce access by cats, whilst not fragmenting habitats (as raised by NE) and also screening the cat proof fence to avoid this being visually less attractive. It is recommended that this is planted very early in the demolition and construction phase to enable the vegetation to fully establish prior to occupation, as stated within the Design Code Addendum. Assystem have also reviewed available literature to support cat-proof fencing as an effective and deliverable mitigation measure. The use of fencing as an exclusion method for cats has been widely used in Australia and New Zealand to provide protection to sites of high conservation value that support species that are vulnerable to predation by feral cats, and have been reported to be effective in their purpose (Cecchetti et al., 2020 and Moseby and Read, 2006). Application in the UK is also noted in literature (Conolly et al., 2009) for cats (as well as foxes and rabbits). Whilst Connolly, Day and King (2009) outline that results regarding the efficacy of fencing has been mixed, referencing studies by Day and MacGibbon (2002; 2007) and Sanders et al. (2007), this is often a result of design faults, poor construction or insufficient maintenance. However, they are effective where the fence design takes into account the physical abilities and behaviour of those pest animals it means to exclude (Clapperton and Day, 2001). In terms of physical characteristics, cats are reported to be able to jump to a height of between 140 cm and 180 cm and can use their footpads and claws



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			to climb above ground (Coman and McCutchan 1994; Long and Robley, 2004; Dickman, 2012). They are reluctant diggers, but can excavate short burrows in soft sediment (Dickman, 2012). Studies carried out by Robley et al. (2006; 2007) and Moseby and Read (2006) tested the efficacy of fences in preventing feral cats, concluding that the following properties were important and effective in preventing cat breaches: • Fences should be a minimum of 1.8 m height with a maximum mesh size of 50 mm and support wires at 300 mm spacing and incorporating a recurved overhang of c. 600mm (facing away from the sensitive site) to deter animals climbing over; • Fencing should be anchored into the ground, either in a concrete base or fencing being buried and folded back on itself to prevent digging beneath the fence; • Fencing should include an apron of hard-wired mesh to prevent chewing; • Electric wires are not necessary to successfully exclude cats; • Maintenance is important to ensure the efficacy of the exclusion fencing remains high. This fence design has been shown to be effective in studies (Robley et al. 2006), and at the Detailed Design stage the Applicant will apply these aspects to ensure no cats enter the SSSI. The literature reviewed demonstrates that exclusion fencing can be effective in preventing access to sites of high conservation value, therefore this would be an effective and deliverable mitigation measure for the Proposed Development. The inclusion of thick scrub planting alongside the fencing will add to the efficacy of the fencing, reducing the ability for cats to access the fence line, with the vegetation maintained to be dense and impenetrable and thereby limiting the cats ability to climb the vegetation. As maintenance will be an important aspect, management of the fence line will be incorporated within the Biodiversity Enhancement and Management Plan (BEMP), ensuring routine inspections of vegetation and fencing along with reactive inspections following periods of significant adverse weather. Any repairs required should be actioned immediately. Through the DAS and subsequent consultation, there were outstanding points requiring clarity.



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			1. <i>Clarity on why these mitigation measures stop at the western boundary and do not continue around the south-western/southern side of the development given their proximity still to the SSSI boundary.</i> The Applicant will commit to extending the buffer, hedging, and fencing around the south-western/southern boundary of the site. 2. <i>Clarity on spacing between planting and fencing. Cats can climb planting and use it to scale fencing; therefore, dense scrub planting needs to be an appropriate distance from fencing and height to prevent this.</i> Spacing between the planting and fencing will be discussed further with Natural England and KCC to ensure an appropriate design. However, it should be noted that the type of planting proposed (Hawthorn and Blackthorn) is thorny in nature to discourage cats from climbing the hedge. 3. <i>Correction to fencing overhang width: from 500mm (currently in 'Part E - Detailing the Place') to 600mm (as quoted in your email text).</i> Noted. This has been amended within the Design Code Addendum, which now refers to 600mm (Appendix 5). 4. <i>Detailed information on how the cat-proof fencing & dense shrub planting will be monitored in perpetuity to ensure: (a) their integrity is maintained and (b) that they effectively mitigate impacts of cat-predation on the SSSI breeding bird assemblage. This should include details of the body responsible for ensuring the monitoring is undertaken, the frequency of monitoring, reporting requirements, and the funding to secure the monitoring in perpetuity.</i> Detailed information will be provided at Reserved Matters Stage in agreement with Natural England and secured through a planning condition. 5. <i>Detailed information on how the cat-proof fencing & dense shrub planting will be maintained in perpetuity. This should include details of the body responsible for ensuring the fencing and planting is maintained, the timescales for rectification of any breaches of integrity and the funding mechanism to ensure the fence and planting are maintained in perpetuity.</i> Detailed information will be provided at Reserved Matters Stage in agreement with Natural England and secured through a planning condition.



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			6. <i>Commitment to implement alternative mitigation measures, such as 'wet fences/swales', should the monitoring of the SSSI bird assemblage and integrity of the cat-proof fencing reveal these mitigation measures as ineffective.</i> This is noted by the Applicant. Should cat-proof fencing prove ineffective the Applicant will commit to implement alternative mitigation measures. These alternative methods will be discussed with KCC and Natural England if required and the commitment will be secured via a planning condition.
NE12		10. A detailed assessment of the potential impacts to the SSSI from increased recreational disturbance impacts from residents. Natural England acknowledges the Applicant's proposed audit to assess the residual effects of increased recreational pressure on the Swanscombe Peninsula SSSI, however we are not clear if this is intended after the development is occupied. If this is the case, we strongly advise that an assessment of potential increased recreational pressure upon the SSSI is carried out prior to planning permission is granted so that mitigation measures can be appropriately developed. We also strongly advise that, should impacts be shown to be significant, strategic measures are developed to manage recreational pressures on the SSSI associated with the proposed increase in residential dwellings and increased footfall from users. Such a solution should be evidence-led and based upon the findings of a recreational pressure assessment and could include the improvement of existing public rights of way or paths within the SSSI and to the Botany Marshes Nature Reserve. We welcome the proposed inclusion of high quality greenspaces, signposts to display the sensitivity of the SSSI to human disturbance as well as an information centre/cade within the Power Park (Design Code, page 102) in order to raise residents' awareness of SSSI species and habitats. Furthermore we support connecting people with nature. However, we question if the current proposed greenspace is adequate for the proposed new populations (e.g. based current wind testing shows that the Power Park does not provide any areas suitable for sitting in the	An audit would be completed pre-construction (and pre-occupation of the Proposed Development) to inform further consultation and mitigation to be embedded within detailed design, which will be agreed through a suitably worded planning condition. Natural England have agreed this point and have advised <i>"that a suitably worded planning condition is added for the Reserved Matters State for the Applicant to:</i> <i>1. Carry out surveys to quantitatively assess recreational impacts from the proposed development on the SSSI; and</i> <i>2. Work collaboratively with Gravesham Borough Council (the Local Planning Authority), Natural England and other stakeholders / partners to develop a strategic access management plan for the Swanscombe Peninsula SSSI."</i> Agreed – the findings of the audit will inform the mitigation measures to be implemented within the detailed design, or committed to via other mechanisms (e.g., financial contributions). It is proposed that GBC, NE and KCC are consulted following the findings of this audit to discuss and agree these mitigation measures. Please note that the greenspace on-site has been designed (recognising the controls placed upon the detailed design via the Design Code) to ensure that the detailed design of the spaces are of suitable quality for the proposed new populations. For example, with regards to wind microclimate, whilst it is correct that the assessment found that the Power Park did not contain any regions which would be suitable for seating use, it should be noted that this is without the implementation of further mitigation. ES Volume 1, Chapter 11: Wind Microclimate notes that, although not tested at this stage, there is substantial scope for further mitigation and it is considered straightforward to achieve suitable conditions. Possible solutions could include (noting the below is not an exhaustive list):



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		summer and only little space for standing in the windiest seasons (Montagu Evans August 2023 v.1, page 21). We refer you to our Green Infrastructure Planning and Design Guide (page 48 onwards).	• Localised screening immediately adjacent to any seating areas; • Adjustments to the landscaping scheme to ensure more trees fall within the critical wind flow paths; • The inclusion of more evergreen trees, or species with higher leaf densities, within the landscaping to provide greater resistance to the wind; and • Appropriate zoning of the amenity spaces such that “dwell spaces” fall within regions which are suitable for sitting or standing, and any regions which are suitable for walking are specified as transitory zones. Mandatory controls have been written into the Design Code to ensure that these residual significant effects within the ground-level amenity are resolved at the detailed design stage. Further review and wind testing/ assessment will be undertaken where necessary at RMA stage(s) in relation to the detailed scheme geometry that will ultimately come forward, and as part of this, verification of the effectiveness of any wind mitigation measures required. The assessment of appropriate wind microclimate mitigation measures at the detailed design stage by an experienced wind engineer, if required, should be secured through an appropriately worded planning condition.
NE13		11. A detailed and comprehensive consideration of the above impacts cumulatively with other developments. Natural England acknowledges the Applicant’s response in the ‘Northfleet – Letter Response to NE Consultation’ (2023) that: “Cumulative impacts have been assessed within ES Volume 1, Chapter 14: Ecology and Biodiversity. Due to the potential London Resort development, the cumulative impact assessment took into account the impacts that the Proposed Development and London Resort scheme would have upon the SSSI and its features. Whilst it is considered that the Proposed Development on its own would have no significant adverse effects due to the mitigation and enhancement measures (outlined in ES Volume 1, Chapter 14: Ecology and Biodiversity and noted throughout this response), the cumulative assessment concludes there would be a significant effect on the SSSI, arising from recreational pressure, which would need to be mitigated through detailed design and consultation with key stakeholders. Furthermore, the proposed mitigation and enhancement measures are in line with legislation and planning policy.”	Gravesham to note.



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		We advise that before such mitigation measures are accepted, you, as competent authority, should decide if London Resort (due to be re-submitted) should be considered within cumulative impacts.	
NE14		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 'Northfleet – Letter Response to NE Consultation' (2023) states that both "Kent Wildlife Trust and Natural England will be consulted to discuss any potential further mitigation measures (as required and relevant) to be incorporated into the detailed design of the Proposed Development to mitigate adverse impacts upon the SSSI arising from recreational pressures. This may form specific on-site detailed landscaping measures or off-site financial contributions to aid management/maintenance of the SSSI, however this will be discussed and agreed." We welcome this intent, but advise that a comprehensive, evidence-based avoidance and mitigation strategy should be developed during this stage of the planning application. We therefore maintain our advice that this strategy is required in order to conclude that there will be no significant adverse impacts upon the Swanscombe Peninsula SSSI's habitats and species.	A number of mitigation measures will be secured through various management plans, to be conditioned to the granting of planning permission for the Proposed Development. These plans include: • Construction Environmental Management Plan; • Invasive Species Management Plan; • Landscape and Environmental Management Plan; and • Biodiversity Enhancement Management Plan. A Precautionary Working Method Statement would also be prepared to ensure mitigation is secured with regards to Schedule 1 birds during the demolition and construction works. The above plans would be fluid documents and would be adapted and added to upon the completion of further surveys if required, the completion of which can be agreed and secured through appropriate planning conditions. The mitigation measures that will be contained within these documents were informed through the previous surveys completed on the site, as set out within ES Volume 1, Chapter 14: Ecology and Biodiversity, and ES Volume 1, Chapter 18: Environmental Management, Mitigation and Monitoring, for both the demolition and construction phase and once the Proposed Development is complete and operational. These measures set out the mitigation strategy based on existing available information to reduce recreational pressures on the SSSI. Further details provided through this response will be secured in addition, for example, through the Design Code Addendum, which includes additional measures proposed to ensure impacts from the Proposed Development on the SSSI are minimised. This Design Code Addendum has been prepared specifically in relation to ecological measures, focusing on mitigation to be included within the detailed design of the Proposed Development in order to manage impacts upon the SSSI. This includes cat proof fencing and a buffer zone incorporating thick and tall scrub; it is proposed that such planting would be planted early in the construction phase to enable the vegetation to be fully established prior to occupation. Direct access into the SSSI from the site will not be incorporated, with signage proposed that will



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			detail the important aspects of the SSSI and its value. The Design Code Addendum is provided as Appendix 5 of this note. As noted in Ref NE17 (Recreational Pressure) below, mitigation is proposed within the Ecology ES chapter (para 14.161), in the form of a financial contribution, which may be required from the Applicant to aid management/maintenance of the SSSI alongside other committed developments. Kent Wildlife Trust and NE will be consulted to discuss and agree potential further mitigation measures (as required and relevant) to mitigate adverse impacts upon the SSSI arising from recreational pressures. Furthermore, as set out in the chapter, it is proposed that the Applicant commits to undertaking an audit to monitor the recreational usage from the Proposed Development on the SSSI. This will identify the effect threshold or the point at which wildlife begins to be disturbed by such recreational activities to provide informed recommendations to key stakeholders regarding infrastructure construction and visitor management. This will inform future phases of this Proposed Development on the most appropriate and proportionate mitigation requirements to reduce impacts on the SSSI if a threshold is reached. The audit would need to include a baseline in order for it to be meaningful. Again, once detailed design is available for the Proposed Development, Kent Wildlife Trust and NE will be consulted to discuss and agree potential further mitigation measures.
NE15	Habitat Regulations Assessment	Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the Applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered your assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that your assessment is not sufficiently rigorous or	Once the shadow HRA has been agreed by Natural England, Gravesham would formally adopt this document. The further work that has been completed in this response note and the further surveys currently being undertaken (wintering birds) and to be completed through planning condition (breeding birds) will inform an updated shadow HRA document. To avoid holding up determination of the planning application, it is proposed that additional surveys are carried out in the 2024 breeding season to confirm status and further refine the mitigation measures. This approach is considered proportionate to the impacts from the scheme. This approach is supported through British Standard 42020, which allows for additional ecological investigations to be secured by way of planning condition



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		robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.	in exceptional circumstances, such as “<i>where original survey work will need to be repeated because the survey data might be out of date before commencement of development</i>” and “<i>to confirm the continued absence of a protected species or establish the status of a mobile protected species that might have moved, increased or decreased within the site</i>”. The requirement for surveys and consideration of implications could be secured by an appropriately worded planning condition, based on an adaption of the model planning conditions contained in British Standard 42020. Assystem would welcome an opportunity to discuss an appropriate condition wording that would secure this, along with agreement on the scope of breeding bird surveys to be carried out in 2024. The assessment concerns are understood through NE16, the meeting held on the 16th January 2024, and subsequent correspondence, to relate to the potential for impacts on wildfowl species through Functionally Linked Land in close proximity to the site, as outlined below. This is discussed further in NE16 below, and it is assumed that once addressed, the concern regarding assessment rigor and robustness will be addressed. Once the shadow HRA has been agreed by Natural England, Gravesham would formally adopt this document.
NE16	Thames Estuary and Marshes Special Protection Area and Ramsar site	Functionally Linked Land (FLL) Natural England advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust: full wintering bird survey for mudflats within the impact risk zones of Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised. In our December 2022 response (ref: 41377) we stated: 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	Initially, two wintering bird surveys were undertaken in key wintering months as these were thought to be proportionate to assess if full wintering surveys were required, due to the small area of habitat adjacent to the site (none on the site). Further wintering bird surveys are currently underway to provide additional survey effort that will give further certainty regarding current conditions and the potential for impacts through a Habitat Regulations Assessment. Whilst October surveys are indicated, the guidance document indicates that this is only required where transitional species are targeted. The scope of the survey comprises one survey per month at low tide between November and March as close to the tidal springs as possible with two surveyors covering the mudflats adjacent to the site, Northfleet harbour and 600m into the SSSI from the northern site boundary to understand all aspects of wintering bird use of the surrounding areas to inform the appropriate mitigation at the detailed design stage.



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		functionally linked to the SPA and Ramsar site and as such mitigation measures were required. We further advised: Whilst no assessment of the potential impacts to wintering birds has been provided, Natural England acknowledge that wintering bird surveys are proposed 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. We note from the Northfleet Harbourside Response to Avison Young Independent Environmental Statement Review Report (August 2023) that a wintering bird survey was conducted twice across two months – on 13th December 2022 and 23rd January 2023 – during ‘one’ season. Natural England highlight that this is insufficient; we advise that core months for a wintering bird survey range from October to March and should typically include two surveys to be conducted (one at high tide and one at low tide) per month. However as the mudflats are completely covered during high tide, we accept only one survey per month during low tide is required for this application. Without this rigour of assessment, it is not possible to conclude with certainty that (a) the adjacent surrounding habitats are not FLL for the SPA and Ramsar sites and therefore (b) there is no adverse effect on the integrity of features of the Thames Estuary and Marshes SPA and Ramsar Site. Natural England accept that the evidence provided so far suggests that the mudflats to the northeast and Robin’s Creek to the east of the development are not highly likely to constitute FLL. And we acknowledge that the surveys provided do not appear to indicate that significant numbers of designated bird species were making use of the surveyed habitats. In addition, we recognise that the current industrial land use of the site, involving gravel pit works with associated noise and visual disturbance, may make the site less attractive for regular use, or even habituate wildlife in the area to a certain type and level of disturbance. Nevertheless, there is potential for the change from industrial to residential/recreational use to lead to significant differences in disturbance impacts, such as the introduction of dog walking, that	Survey results will be updated for this wintering period, supported by the previous results from the London Resort Scheme and previous survey results completed for the site, which will provide a robust baseline of bird activity for the site against which the changes in bird numbers over a longer period of time can be considered. In respect to the Functionally Linked Land associated with the Thames Estuary and Marshes SPA and Ramsar, it is proposed that (results dependent) one full year of wintering surveys from November to March (unseasonably warm October) with an additional year of surveys within the key overwintering months (December and January) provides a level of certainty to the Shadow HRA for the authority to conclude the significance of impacts. Current working methods detailed within the EcIA and following updates provide high levels of mitigation through the CEMP during the detailed design stage and reserved matters application which will include measures such as timing of works, works methodologies, noise disturbance limitations, visual disturbance limitations and monitoring for disturbance during the works. These best practice mitigation measures are considered to be sufficient to prevent impacts during the construction phase of the project. In terms of the operational effects, mitigation measures are proposed for recreational disturbances to the SPA and Ramsar site as a whole through the Bird Wise Mitigation Strategy, as outlined in the Shadow HRA. The Proposed Development includes extensive greenspace provision, including mixed woodland, modified grassland and pocket parks that will create inviting public spaces that will reduce concentration of recreational activities in one particular location. Further to this, through the detailed design stage, appropriate planting and management of recreational activities can be considered to minimise effects, should the habitats around the site be classified as Functionally Linked Land.



Ref	Section	Comment	Response
		birds making use of the site would not be, or could not become, habituated to. We therefore advise that additional survey effort would help to provide your authority with the level of certainty required when undertaking your Habitats Regulations Assessment.	
NE17		Recreational disturbance 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). Natural England note from the Shadow HRA within the Northfleet Harbourside Response to Avison Young Independent Environmental Statement Review Report (August 2023, pages 20-21) that the Applicant has stated any impact arising due to an increase in recreational disturbance on the SPA and Ramsar Sites can be addressed through an appropriate contribution to the provision of strategic access management measures. Due to the location of the proposed development, we are minded to agree with this approach. We continue to advise that 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.	Noted. Noted. As discussed in the meeting, mitigation is also proposed within the Ecology ES chapter (paragraph 14.161), in the form of a financial contribution, which may be required from the Applicant to aid management/maintenance of the SSSI alongside other committed developments. Kent Wildlife Trust and NE will be consulted to discuss and agree potential further mitigation measures (as required and relevant) to mitigate adverse impacts upon the SSSI arising from recreational pressures. Furthermore, as set out in the chapter, it is proposed that the Applicant commits to undertaking an audit to monitor the recreational usage from the Proposed Development on the SSSI. This will identify the effect threshold or the point at which wildlife begins to be disturbed by such recreational activities to provide informed recommendations to key stakeholders regarding infrastructure construction and visitor management. This will inform future phases of this Proposed Development on the most appropriate and proportionate mitigation



Ref	Section	Comment	Response
			requirements to reduce impacts on the SSSI if a threshold is reached. The audit would need to include a baseline in order for it to be meaningful. Again, once detailed design is available for the Proposed Development, Kent Wildlife Trust and NE will be consulted to discuss and agree potential further mitigation measures. As noted in NE12, a planning condition will be attached to any planning permission for the Applicant to assess recreational pressure from the Proposed Development to the SSSI and work with the council and Natural England to develop a strategic access management plan.
NE18	Swanscombe Marine Conservation Zone (MCZ)	Natural England acknowledge that the Applicant has provided clarity regarding the potential for impacts on the nearby Swanscombe MCZ. Given the 1.2km distance between the development site and the MCZ, the separation of the Swanscombe Peninsula SSSI in between, the fact that the development is downstream from the MCZ, as well as the proposed mitigation to appropriately manage run-off quality and quantity into the River Thames, we are satisfied that there is not likely to be any significant impacts.	Noted.
NE19	England Coast Path	In the Applicant's 'Northfleet – Letter Response to NE Consultation' (2023), it is stated that "the routing of the Coastal Path will remain unaffected by the Proposed Development" (p.15). However, Natural England note that the East Sussex National Trail officer comments (05 October 2023) state that the "proposed development would have a significant impact on the (England Coast Path) and (would) necessitate a diversion of the National trail". As such, it is currently unclear as to which exact route is being proposed. As previously advised, 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 in order 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 proposed realignment. 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	The advice given within the DAS, issued by Natural England on the 26th January 2024 (Appendix 3) notes: • <i>"It is requested that the trail is re-aligned through the open green space in the northern corner of the site and passes along the proposed pedestrian route, before continuing east via Robins Creek. Should the section across Robins Creek be located outside the applicants control, consideration should be given to delivering this valuable public access link through a planning obligation. With the support of the local highway authority and local stakeholders, this new connection would provide a direct and attractive riverside trail for the public, enhancing opportunities for active travel and outdoor recreation.</i> • <i>With regards to the north west section of the site, there appears to be a network of public access routes being proposed. It is requested these routes are consolidated and, where appropriate, the King Charles III England Coast Path (KCIIIIECP) is 'snapped' to the alignment of a PRoW that is direct and attractive to use. This approach would avoid a duplication of routes and minimise the public burden of path maintenance".</i>



Ref	Section	Comment	Response
		authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.	The Applicant is in discussion with the East Sussex National Trail Officer to realign the Coastal Path as part of the Detailed Design of the Proposed Development, taking into consideration the feedback noted above.
Kent County Council			
KCC1	General	We have reviewed the ecological information submitted with this application and advise that additional information is required prior to determination. We require the following documents to be submitted: • Illustrative plan of the proposed development - the map in the Biodiversity Net Gain Assessment is difficult to review • BNG excel metric to assess if we agree with the conclusion the proposal will result in a 352% BNG habitats and 75% BNG of hedgerows. • Updated parameter plan demonstrating that a buffer can be created between the proposal and the designated sites. • Clarification on why the application are satisfied the breeding bird and wintering bird surveys are accurate. • Additional information regarding the submitted HRA.	An illustrative plan of the Proposed Development is provided in Appendix 8 of this note. The BNG excel matrix is provided in Appendix 6 of this note. The Design Code Addendum is provided as Appendix 2 of this note. This includes details of the proposed measures to enhance ecology as part of the Proposed Development and will control (through the nature of this being a 'control document') how the detailed design of the Proposed Development will progress at the RMA stages. This includes the provision of a buffer between the Proposed Development and designated sites. Discussed above in NE3 and NE16. Discussed above in NE15/NE16, additional information available following completion of Wintering Bird survey.
KCC2	Swanscombe Peninsula SSSI and Botany Marshes Local Wildlife Site	The proposed development is directly adjacent to the Swanscombe Peninsula SSSI and Botany Marshes Local Wildlife Site. We advise that the information is insufficient to assess the impact the proposal will have on the designated sites and the species associated with the designated sites. We note that the submitted information details that a new buffer zone along the boundary of the Proposed Development will be introduced, to provide separation between the SSSI and proposed residential dwellings. In addition the additional information highlights that it should be noted that the Proposed Development will not result in buildings being located closer to the SSSI than is the current baseline However this is not reflected	The Design Code Addendum is provided as Appendix 5 of this note. This includes details of the proposed measures to enhance ecology as part of the Proposed Development and will control (through the nature of this being a 'control document') how the detailed design of the Proposed Development will progress at the RMA stages. This includes the provision of a buffer between the Proposed Development and designated sites, and so it will not be possible



Ref	Section	Comment	Response
		within the submitted parameter plans and the illustrative plan indicates that there will be buildings and infrastructure directly adjacent to the designated sites which are likely to result in a negative impact on the designated sites. The submitted information refers to the mitigation hierarchy and we highlight that the first point is avoidance and we highlight that the mitigation hierarchy has not been followed as the parameter plans have not been updated and continue to demonstrate that residential development will be adjacent to the SSSI and LWS. To demonstrate that the application is following the mitigation hierarchy we recommend that an updated parameter plan is submitted demonstrating that a buffer will be created between the designated site and the proposed development. Information must also be provided detailing how the buffer area will be created. The submitted information has detailed that Impacts from noise and lighting would be managed through sensitive design and location of new lighting to minimise impacts on wildlife. However as the submitted parameter plans demonstrate that the residential area will be directly adjacent to the designated sites boundaries we question how these impacts can be avoided. We advise that the additional information is not sufficient to fully understand what impact the proposal will have on the designated sites.	for buildings and infrastructure to be built directly adjacent to the designated sites. The Design Code Addendum identifies the mitigation requirements for the protection of the SSSI and LWS, including the adoption of a mitigation buffer along the boundary of the site incorporating cat proof fencing and native shrub planting. This demonstrates application of the hierarchy within the constraints of the scheme to minimise impacts on the SSSI. Note above point regarding the Design Code Addendum, whereby the detailed design of the Proposed Development will be required to adhere to these controls. Further detail is provided within this response note to confirm how impacts on wildlife will be minimised. This includes measures to reduce noise and light spill onto the designated sites, which were also outlined within the ES. As noted above, a buffer will be created between the built element of the Proposed Development and the SSSI.
KCC3	Birds	Wintering birds A wintering bird survey has been submitted and it has made the following conclusion: Due to the low numbers of overwintering waterfowl using the habitats next to the Proposed Development it is thought that neighbouring habitats do not provide functionally	See response in NE16.



Ref	Section	Comment	Response
		linked overwintering habitats to the SSSI or SPA of any significant value However the wintering bird surveys were only carried out in December and January and no information has been provided detailing why surveys were not carried out from October to March to fully understand how wintering birds were using the site and adjacent habitat. We advise that this point needs to be addressed within the submitted report. We due to the lack of surveys the wintering bird surveys may not provide an accurate understanding of how wintering birds use the site and therefore the conclusions may not be valid.	
KCC4		Breeding Birds The breeding bird surveys were only carried out in July 2022. The updated breeding bird surveys methodology details that 6 surveys should be carried between March and July 2023 and any deviation in the number of surveys must be supported with detailed and robust justification. As only 1 survey visit was carried out we highlight that it is possible that larger number of birds utilise the site than were recorded during the breeding bird survey. Our original comments were provided in November 2022 and therefore updated breeding bird surveys could have been completed in the 2023 survey season.	See response in NE3
KCC5	Habitat Regulations Assessment	The HRA has screened out every impact except recreational pressure. However as detailed above we are concerned that full breeding and wintering bird surveys where not carried out and therefore it may not have fully assessed the impact the proposal will have on any birds associated with the designated sites. We can provide further advise on this point once we have received the additional information requested above. The report has concluded that the proposal will not result in an adverse impact on the SPA/Ramsar sites due to contributing to the SAMMS scheme. The HRA states the following regarding payment:	See responses in NE3 and NE16.

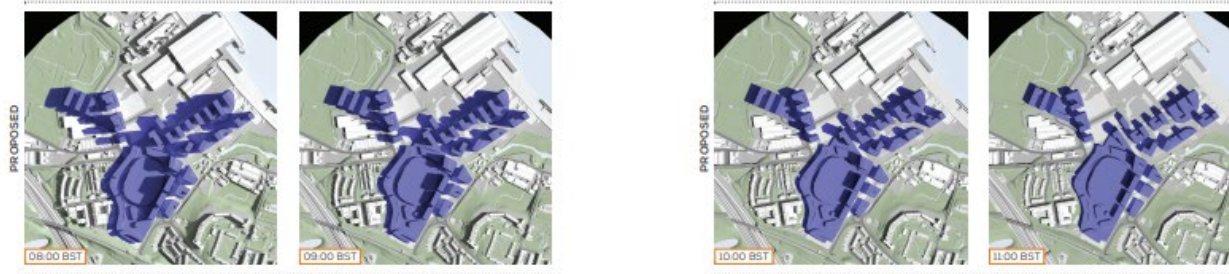


Ref	Section	Comment	Response
		Gravesham Borough Council state that “Developers are requested to pay the full tariff of £314.05 for every new dwelling or non-C3 residential use, provided within 6 km of the Ramsar site and SPA larger housing developments beyond 6 km from them.” The report then concludes that it will only be certain phases within the 6km that will have to contribute to the proposed development. As the information from GBC states that it will include larger housing developments beyond 6km we are off the opinion that all dwellings within the proposal must contribute to the SAMMS scheme.	At this stage, as part of the site falls outside of the SAMMs the principle of the contribution should be secured, with the specific figures to be determined at reserved matters stage, it is not clear where in policy GBC states that larger housing developments beyond the 6km will be required to contribute. It is noted that the majority of the site is within the 6km and as such the tariff will be applicable for the majority of the residential units. However, at this stage precise numbers of houses within this area cannot be confirmed. This will be confirmed at the reserved matters stage(s) following detailed design, whereby the location of houses is confirmed, and tariff payments can be agreed.
KCC6	Additional Documents	The phase 1 map and the illustrative landscape master plan have only been provided as inserts in the Biodiversity Net Gain Assessment and difficult to review. Therefore we advise that we require readable versions of these documents. The submitted information details that these plans have been provided but we are only able to locate the phase 1 map. We advise that the illustrative landscape master plan must be submitted to ensure that we can consider the submitted information fully. We require the BNG excel metric to be submitted to enable us to consider if we agree with the conclusions of an anticipated BNG of 352% habitats and 75% of hedgerows. We understand that the site is largely hard standing but considering the high levels of anticipated recreational use we do query how that can be achieved. This document has not been provided and therefore our previous comments are still valid.	The Phase 1 map is provided as Appendix 9 and the landscape masterplan as Appendix 8 of this note. The BNG Metric has been issued alongside this response to allow for review of the document (refer Appendix 6). Alongside the relatively low baseline value, a significant proportion of the existing habitats, comprising urban trees and littoral mud, are retained through the Proposed Development (2.62 Habitat Units). This, coupled with the significant landscaping proposals for the Proposed Development that incorporate green infrastructure opportunities including a range of habitats and extensive tree planting (23.59 Habitat Units), delivers a significant enhancement to the biodiversity value of the existing site that exceeds planning policy requirements.

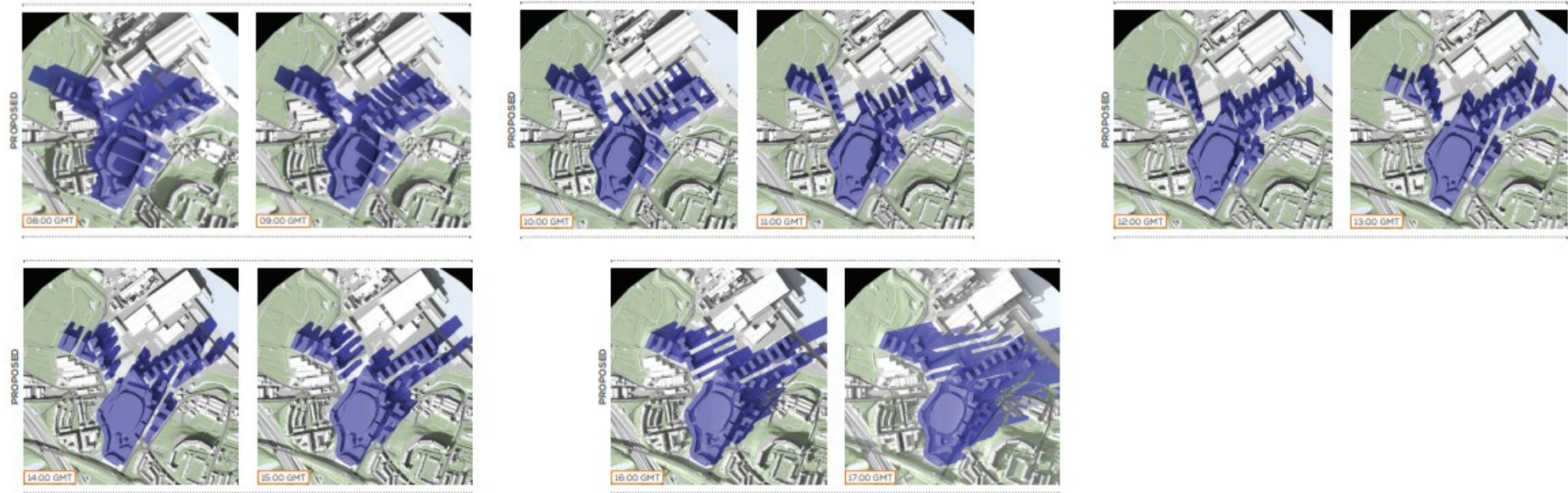


Appendix 1: Overshadowing Plots

Summer



Spring





Appendix 2: Email Correspondence between Trium Environmental Consulting and Natural England

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Northfleet Harbourside - Natural England Clarifications
Date: 23 January 2024 14:35:08
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Northfleet_Natural England_1A.pdf](#)

Dear Erin,

Thank you for the document 'Northfleet_Natural England_1A.pdf' emailed to us on Friday, 19th January. I have attached it here for easy reference. Our comments below relate to this document.

We agree and are satisfied in principal with the following points:

- breeding birds NE3 – assuming presence and given inclusion of condition for doing surveys;
- vascular plants NE4;
- invertebrates NE5;
- overshadowing NE6 – please put any additional work coherently in the Environmental Statement (ES);
- changes to micro-climate NE7;
- air quality NE9;
- hydrology NE10 – please clearly evidence and confirm no changes to water flow (from the development site to Swanscombe Peninsula SSSI) in the ES;
- lighting & noise (NE11) – given inclusion of reference to best practice standards that will be adhered to. Please also put any update in the ES;
- recreational disturbance – given inclusion of conditions for (a) survey work and (b) working collaboratively with the LPA, other partners and Natural England to develop a strategic access management plan.

Natural England's advice however remains that cat-proof fencing is not a mitigation technique that should be relied upon and that we welcome the use of wet swales/ditches as an appropriate mitigation measure. If you want to adhere to cat-proof fencing, this needs to be supported by evidence in peer-reviewed literature to show that cat-proof fencing is an effective means of preventing cat predation of birds in the long-term. If evidence to support cat-proof fencing as an effective and deliverable mitigation measure to avoid or fully mitigate the impacts is not available, we reiterate our advice that we welcome wet swales/ditches as a mitigation measure.

If you have any follow-up, please feel free to email me. We aim to send you a formal document with our DAS advice/summary by COB on Friday, 26th January.

Kind regards,
Hannah Lee

Sustainable Development Lead Advisor
Sussex and Kent Team

Natural England, International House, Ashford, TN23 1HU



Appendix 3: Further Email Correspondence between Natural England and Trium Environmental Consulting Regarding Cat Predation (Dated 6th February 2024)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Natural England's DAS Advice Letter: Northfleet Harbourside
Date: 06 February 2024 09:22:21
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Dear Erin,

Thank you for your patience awaiting our advice regarding your proposed mitigation measures for cat-predation on the Swanscombe Peninsula SSSI breeding bird assemblage in proximity to the Application site.

Natural England is satisfied with the evidence provided to illustrate the use and efficacy of cat-proof fencing and dense shrub planting to address impacts from cat-predation. However, there are outstanding points we would like clarity on and advise that several of these (addressing monitoring and maintenance) are attached as planning conditions and included in the application documents.

1. Clarity on why these mitigation measures stop at the western boundary and do not continue around the south-western/southern side of the development given their proximity still to the SSSI boundary.
2. Clarity on spacing between planting and fencing. Cats can climb planting and use it to scale fencing; therefore, dense scrub planting needs to be an appropriate distance from fencing and height to prevent this.
3. Correction to fencing overhang width: from 500mm (currently in 'Part E - Detailing the Place') to 600mm (as quoted in your email text).
4. Detailed information on how the cat-proof fencing & dense shrub planting will be monitored in perpetuity to ensure: (a) their integrity is maintained and (b) that they effectively mitigate impacts of cat-predation on the SSSI breeding bird assemblage. This should include details of the body responsible for ensuring the monitoring is undertaken, the frequency of monitoring, reporting requirements, and the funding to secure the monitoring in perpetuity.
5. Detailed information on how the cat-proof fencing & dense shrub planting will be maintained in perpetuity. This should include details of the body responsible for ensuring the fencing and planting is maintained, the timescales for rectification of any breaches of integrity and the funding mechanism to ensure the fence and planting are maintained in perpetuity.
6. Commitment to implement alternative mitigation measures, such as 'wet fences/swales', should the monitoring of the SSSI bird assemblage and integrity of the cat-proof fencing reveal these mitigation measures as ineffective.

If you would like to discuss any of this, please feel free to contact me.

Kind regards,
Hannah Lee

Sustainable Development Lead Advisor



Appendix 4: Natural England Discretionary Advice Service Pre-App Letter DAS/A012422

Date: 26 January 2024
Our ref: DAS/A012422
Your ref: 20221064



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam,

Discretionary Advice Service (Charged Advice)

DAS/A012422

Development proposal and location: Northfleet Harbourside – Land surrounding Ebbsfleet United Football Club.

Thank you for your consultation on the above dated 29 November 2023, which was received on the same date.

This advice is being provided as part of Natural England's Discretionary Advice Service. Assystem Energy and Infrastructure LTD has asked Natural England to provide advice upon:

- Potential impacts on designated and proposed designated sites
- Ecological mitigation plan
- Information for a draft Habitats Regulation Assessment (HRA)

This advice is provided in accordance with the Quotation and Agreement dated 10 January 2024.

The following advice is based upon the information within the submitted DAS Supporting Information zip file including:

1. 00_Northfleet Central_DESIGN CODE_ADDENDUM_231117 (no date: received November 2023)
2. 9. Bugslife (23 September 2023)
3. 13. Kent Wildlife Trust (27 September 2023)
4. NH_ESVol1_Ch14_Ecology_and_Biodiversity (no date: received November 2023)
5. Northfleet – Letter Response to NE Consultation_1B (no date: received November 2023)
6. Northfleet Central_DESIGN CODE_220930 (September 2022)
7. TRI053 Bird survey report – Winter REV001 (February 2023)

As well as documents received latterly by email:

8. Northfleet Harbourside – NE and KCC Response_Dec 2023_DRAFT (December 2023)
9. Northfleet_Natural England_January 2024 (19 January 2024)

Protected sites

1. Natural England has no significant concerns

Natural England is satisfied that, on the basis of the objective information provided, it can be excluded that the proposed plan or project will have a significant effect on Swanscombe Peninsula

SSSI through the following impact pathways: hydrology, air quality, micro-climate and overshadowing.

Natural England is satisfied that, with the inclusion of proposed mitigation measures to address noise impacts to the breeding bird assemblage during the construction phase, it can be excluded that noise from the proposed plan or project will have a significant effect on features of the Swanscombe Peninsula SSSI. We advise the Environmental Statement (ES) is updated with the additional mitigation details outlined in the 'Northfleet – Natural England January 1A.pdf'.

Natural England advises that mitigation measures for lighting impacts are included by condition and that the Applicant clearly identifies specific best practice standards that will be adhered to in order to keep lighting impacts from the resident blocks adjacent to the SSSI boundary within acceptable levels for the breeding bird and invertebrate assemblages of the SSSI. We advise the Environmental Statement (ES) is updated where necessary to include this detail. Based on these mitigation measures and ES update, Natural England is satisfied that it can be excluded that lighting from the proposed plan or project will have a significant effect on features of the Swanscombe Peninsula SSSI.

Natural England is satisfied that, based on the ecology assessment adopting a worst-case scenario and assuming presence of breeding birds that the mitigation measures allow a significant effect to be excluded on the breeding bird assemblage of the Swanscombe Peninsula SSSI. We concur with the Applicant's proposal to carry out additional breeding bird surveys during 2024 in order to update previous data from the London Resort Scheme and agree with this being conditioned as part of the application's Reserved Matters Stage.

2. Natural England does not have enough information

i. Recreational disturbance

Natural England maintains the view that recreational disturbance from new residents of the proposed Northfleet development is likely to have an adverse impact on designated features of the Swanscombe Peninsula SSSI if not robustly mitigated.

We welcome the opportunity to connect people with nature and therefore advise that a condition is added for the Reserved Matters Stage for the Applicant to:

(1) carry out surveys to quantitatively assess recreational impacts from the proposed development on the SSSI, and

(2) work collaboratively with Gravesham Borough Council (the Local Planning Authority), Natural England and other stakeholders/partners to develop a strategic access management plan for the Swanscombe Peninsula SSSI.

This management plan should be developed and in place before occupation of the Northfleet development.

ii. Thames Estuary and Marshes SPA and Ramsar Site

The Applicant concludes there is no significant impact based on survey data and we are satisfied to agree with this. We therefore advise that no further surveys are required to determine impacts on designated features of the Thames Estuary and Marshes SPA and Ramsar Site.

3. On the basis of the information so far provided it is thought that the proposed development will have a harmful effect on a designated site

Natural England is concerned that the proposed operations are likely to damage the interest features of the Swanscombe Peninsula SSSI. Natural England therefore requests the Applicant to consider what alternative mitigation measures might be provided in order to minimise or avoid this damage to the SSSI.

i. Urbanisation effects – Cat predation

Natural England is still reviewing the supporting information received by email from Erin Fairley on 24 January 2024, which proposed the use of cat-proof fencing together with thick scrub planting as combined mitigation measures. We will provide our position on this soon.

Other advice

There is also another possible impact resulting from this proposal that you should consider when developing your planning application. This issue is summarised below:

King Charles III England Coast Path

The development proposal affects the King Charles III England Coast Path. The current alignment of this National Trail at Northfleet is somewhat inland of the Thames Estuary, due to the presence of industrial development when the trail was opened in 2022. Within the original proposals for the coast path, the opportunity for moving the trail was highlighted for several developments in the Northfleet area “Development here is likely to affect the proposed trail, however there may be opportunities, as part of the new development, to align the trail closer to the coast, with views of the sea”. Being close to the sea, with views of estuary are both key elements in the coast path legislation: the Marine and Coastal Access Act 2009.

The Local Planning Authority will seek to protect and look for opportunities for the National Trail, in line with paragraphs 104, 178(d) and 180 (c) of the National Planning Policy Framework, including that: ‘Planning policies and decisions should contribute to and enhance the natural and local environment by: c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate’.

Natural England considers the route in this area would better meet its statutory criteria (close to coast, with views of the sea), as well as benefitting local residents and the public, if located to the north of the current alignment – and linked to the east along the riverside and across the mouth of Robins Creek. Natural England fully supports the recommendations made through Tom Kennedy, the South East England Coast Path National Trails Officer, in his letter to Gravesham BC of 5 October 2023:

- “It is requested that the trail is re-aligned through the open green space in the northern corner of the site and passes along the proposed pedestrian route, before continuing east via Robins Creek. Should the section across Robins Creek be located outside the applicants control, consideration should be given to delivering this valuable public access link through a planning obligation. With the support of the local highway authority and local stakeholders, this new connection would provide a direct and attractive riverside trail for the public, enhancing opportunities for active travel and outdoor recreation.
- With regards to the north west section of the site, there appears to be a network of public access routes being proposed. It is requested that these routes are consolidated and, where appropriate, the KCIIIECP is ‘snapped’ to the alignment of a PRoW that is direct and attractive to use. This approach would avoid a duplication of routes and minimise the public burden of path maintenance.”

For clarification of any points in this letter, please contact Hannah Lee at Hannah.Lee@naturalengland.org.uk.

This letter concludes Natural England’s Advice within the Quotation and Agreement dated 11 January 2024.

commercialservices@naturalengland.org.uk

As the Discretionary Advice Service is a new service, we would appreciate your feedback to help shape this service. We have attached a feedback form to this letter and would welcome any comments you might have about our service.

☒ The advice provided in this letter has been through Natural England’s Quality Assurance

process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely,

Hannah Lee
Sustainable Development, Sussex and Kent – Area Team 14

Cc commercialservices@naturalengland.org.uk

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).



Appendix 6: Biodiversity Net Gain Excel Metric

Refer to separate Microsoft Excel spreadsheet



Appendix 5: Design Code Addendum

Part E Detailing The Place

26.0 Swanscombe Peninsula SSSI Mitigation

A Design Code Addendum has been prepared specifically in relation to ecological measures, focussing on mitigation to be included within the detailed design of the Proposed Development in order to manage impacts upon the SSSI. Careful consideration of the neighbouring Swanscombe Peninsula SSSI and ‘mitigation by design’ principles were incorporated into the evolving scheme.

Requirements:

To be read in accordance with ES Volume 1, Chapter 14: Ecology and Biodiversity:

- Signposting displaying the sensitivity of Swanscombe Peninsula SSSI to human disturbance, for example highlighting the potential detrimental impacts of dogs off leads upon nesting birds during the relevant ecological season;
- Ensure access directly from the site into the SSSI is not possible, especially for dog walking;
- The use of thick and tall-shrub, such as hawthorn and blackthorn, to make the planting difficult to penetrate and reduce access to the fence. It is recommended that this is planted very early in the construction process to enable the vegetation to fully establish prior to occupation;
- A mitigation buffer zone should be the greatest width available to plant without impacting the scheme;
- Proposed cat proof fencing across the boundary of the SSSI. Recommended specification should be a wire or chain link fence with mesh size no more than 2.5cm, of at least 1.8m height and with a 0.6m overhang into the site; and
- The provision of an information centre/cafe within the Power Park, next to the play areas, to encourage walks around the site as opposed to within the SSSI, and to provide information regarding notable species and habitats including relevant protection measures within the local area and the SSSI in particular.

Refer to design code pages 102, 105, 108-112 for further reference to the SSSI and site-wide ecological enhancements.



- Proposed native species planting buffer zone
- Proposed thick, tall-shrub planting such as hawthorn and blackthorn (recommended to be planted early in the construction process)
- Proposed cat-proof fencing, wire or chain link fence
- Proposed information board detailing the important aspects of the adjacent SSSI
- Proposed warning sign highlighting ‘no entry’ for dog walkers into the SSSI
- Proposed provision of SSSI information centre at cafe hub within the Power Park



Hawthorn and blackthorn hedging to provide further boundary prevention adjacent to the SSSI



Provision of cat-proof fencing at the boundary adjacent to the SSSI



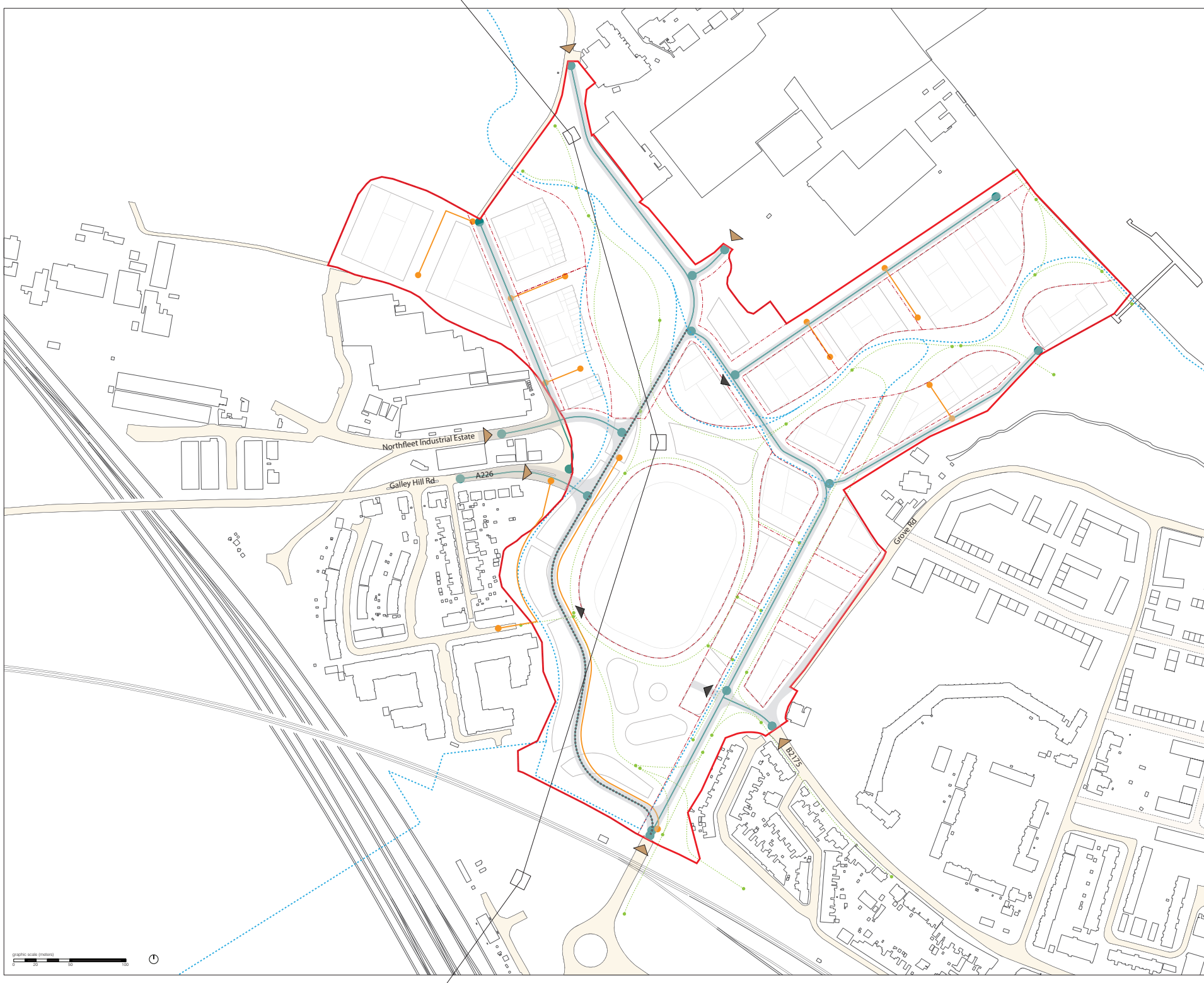
Signposting displaying the sensitivity of the SSSI



Proposed native species buffer zone



Appendix 7: Parameter Plan – Highway Access (Drawing Ref. NFH-UNS-MAST-DR-1014)



- Site boundary (19.0 Ha)
- Existing roads
- Approved planned roads (outside site boundary)
- Proposed roads (within site boundary)
- Service / emergency lane
- Indicative Bike route
- Indicative Footpaths
- Indicative Tunnel
- Indicative Highways
- Primary Access Points

Northfleet Central 1 Ltd

client
Northfleet Central 1 Ltd
Kulvis Stadium
Stambridge Road
Kurt, DA11 9GN
T +965 2599 6915

LANDMARQUE
PROPERTY GROUP

Landmarque Property Group
1 Ffowllan Square East, Dublin 2, Ireland
@ hello@landmarquepropertygroup.ie
T +353 (0)1 255 1560

UNS
UNSTUDIO

masterplanner / architect
Starbouderskade 113
PO Box 75281
1070 AJ Amsterdam
The Netherlands
T + 31 (0)20 570 20 40
F + 31 (0)20 570 20 41
info@unstudio.com
www.unstudio.com

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the
Highway Access

description / disclaimer



Appendix 8: Illustrative Landscape Masterplan



Northfleet Harbourside
Illustrative Landscape Masterplan
Scale: 1:2000 @ A2



Appendix 9: Phase 1 Habitat Map

Appendix A Phase 1 Habitat Survey Map

