



## Growth and Communities

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### BY EMAIL ONLY

2 February 2022

Dear Michael,

#### **Re: EIA Scoping Opinion for a proposed development at Ebbsfleet Central, Ebbsfleet Valley, Kent (Ref: EDC/22/0005)**

Thank you for consulting Kent County Council (KCC) on the Scoping Opinion for the proposed mixed-use development comprising demolition of the existing car parking, structures, station forecourt, provision of residential (Use Class C3), flexible commercial, business and service uses (Use Class E) to allow provision of retail, offices, restaurants/cafes, nurseries and healthcare facilities, flexible learning and non-residential institutions (Class F1), flexible local community uses (Class F2), hotel use (Class C1), residential institutions (Class C2) and Sui Generis uses to allow provision of co-living and student accommodation, public houses/drinking establishments, theatres/cinema and associated works including hard and soft landscaping, a River Park, car parking, pedestrian, cycle and vehicular access and other ancillary infrastructure.

The County Council has reviewed the Environmental Impact Assessment (EIA) and Scoping Report and sets out its comments below, following the order of the report.

#### **Chapter 5 – EIA Process**

Heritage Conservation: Paragraph 5.11.3 provides a table of statements of competency for each technical chapter of the Scoping Report. The County Council recommends that the heritage consultancy will need to bring in additional expertise for specialist areas, such as palaeolithic archaeology and industrial heritage.

## **Chapter 6 Proposed Scope of the EIA**

The County Council recommends that when considering cultural heritage matters, the applicant should consider and set out any potential benefits to heritage from the scheme and indicate where enhancement and/or interpretation of heritage assets can be achieved - increasing the public benefit of the development. This should be considered within the context of the wider heritage of the adjacent area, particularly the archaeological and geological assets within the Swanscombe Peninsula SSSI (Baker's Hole), the Neolithic sites within the Ebbsfleet floodplain, Springhead Roman site and Swanscombe Heritage Park. Opportunities should be identified to use the historic environment to help develop a sense of place for the development.

## **Chapter 7 – Socio-Economics**

The County Council would welcome engagement to ensure necessary infrastructure is planned for, funded and delivered in a timely manner in support of the proposed growth.

In terms of adult education, the County Council is considering whether or not to include Adult Education service delivery from the proposed Lifelong Learning Centre at Ebbsfleet and would welcome engagement on this matter.

## **Chapter 8 – Transport, Movement and Access**

Highways and Transportation: The Scoping Report proposes the inclusion of a Transport, Movement and Access Chapter and this is welcomed. This section should include an assessment of topics such as Severance, Driver Delay, Pedestrian Delay, Pedestrian and Cyclist Amenity, Fear and Intimidation, Accidents and Safety and Hazardous, Dangers of Abnormal Indivisible Loads, and should be developed in line with appropriate guidance.

The information contained within the EIA should be consistent with the Transport Assessment (TA) supporting the application in terms of matters such as traffic flow data, junction capacity assessments, mitigation proposals and crash data.

The extent of the highway network to be assessed within the TA (and therefore the ES) is still to be agreed with KCC and may extend past those links and junctions shown at figure 8.2. Likewise, additional 'committed developments' to be included in the future baseline and 'with development' assessments may need to be included within the TA (and therefore the ES).

At paragraph 8.6.4, the Scoping Report proposes to scope out the construction phase, however, the number of construction-related trips is not yet known and the type of vehicle will also be different to the proposed development trips. A Construction Management Plan will either be required to be submitted with an application, or be secured as a planning condition, at which stage the number of trips and routes to/from the site can be assessed.

Paragraph 8.7.18 refers to the assessment of public transport. In addition to junction capacity assessments, journey time information will be reviewed as part of the TA.

Public Rights of Way (PRoW): The County Council is keen to ensure that its interests are represented with respect to KCC's statutory duty to protect and improve Public Rights of Way (PRoW) in the County. KCC is committed to working in partnership with the applicant to achieve the aims contained within the Rights of Way Improvement Plan (ROWIP) and Strategic Statement for Kent. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues and providing sustainable transport choices.

Public Rights of Way DS17, NU14 and NU7A are located within the site and would be directly affected by the proposed development. The locations of these paths are indicated in Appendix A. The existence of the Rights of Way is a material consideration.

This development will have an adverse impact on the PRoW network through increased use, loss of amenity and potential generation of traffic. Significant measures will need to be taken to help mitigate all these impacts and future proof sustainable Active Travel in both the development and the wider area. The proposal should seek a modal shift away from short car journeys and should focus on providing a sustainable development with active travel opportunities.

The County Council will also be seeking a financial contribution, in the form of Section 106 agreement funding, to mitigate the loss of amenity, increased use and subsequent surface improvements that will be required in the wider network as the area is developed. Contributions are likely to be sought towards:

- The upgrading of existing PRoW, as a means of providing walking and cycling between residential dwellings, education facilities, employment hubs and local amenities, to encourage active travel.
- The creation of new walking, cycling and equestrian routes that connect the site with the surrounding areas, providing opportunities for outdoor recreation.
- The provision of safe crossings points over the Thames Way for non-motorised PRoW users, to address safety concerns and improve network connectivity.

In consideration of Kent Design standards, any forthcoming masterplan should keep PRoW within overlooked areas of open space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PRoW network.

## **Chapter 11 – Biodiversity**

Biodiversity: There are a number of active and pending planning applications within the proposed development area – therefore, KCC advises that there is a need for information submitted as part of the planning application and supporting documentation to ensure any mitigation proposed does not conflict with that being proposed under other planning applications. Given the number of developments in the area, there is a need to ensure that the development proposals do not contribute to the loss of ecological connectivity within the area.

### *Table 11.1 Ebbsfleet Central Ecological Baseline Summary*

Biodiversity: The submitted information sets out that some surveys are ongoing (such as dormouse surveys) and there is a need for it to clearly set out if the lack of the completed surveys is a limitation to assessing the impact of the development. Confirmation is required as to when the outstanding survey results will be submitted to the Local Planning Authority.

The Scoping Report has assessed that the impact on bats will not be significant due to the low numbers recorded, but the proposal will result in a loss of foraging habitat and an increase in lighting. So, whilst the impact may not be considered to be significant on the bat population as a whole, the proposal will have an impact on bats. This impact needs to be fully considered.

## **Chapter 12 – Heritage and Archaeology**

Heritage Conservation: As noted in the Scoping Report, the County Council has been engaging with the applicant and has had discussions with the applicant and heritage consultant and provided comments on an early draft Archaeological Desk-based Assessment in 2021. The County Council is also in dialogue with the relevant consultant about the nature of the specialist surveys that will support the revised assessment.

The County Council recommends that this section should be more appropriately named as Cultural Heritage or Historic Environment. Archaeology is generally considered to be part of heritage and it would be more productive to consider the historic environment holistically.

### **14.2 Baseline Conditions**

Heritage Conservation: In respect of paragraph 14.2.2, the setting of heritage assets of archaeological interest should also be a consideration regarding study areas.

Regarding paragraph 14.2.4, it is noted that the Heritage Statement has only considered the built historic environment, rather than heritage as a whole. The Scoping Report should have included an assessment of the archaeological resource and other aspects of cultural heritage.

The County Council is pleased to see the intention to prepare specialist surveys in Palaeolithic archaeology, geoarchaeology and industrial heritage. The methodology and detailed scope of the surveys should be agreed with KCC Heritage Conservation. In addition, a specialist Historic Landscape Characterisation (HLC) should be undertaken. The current Kent-wide HLC is broad based and not suitable for use at an individual site level. More detailed characterisation should therefore be undertaken using a similar approach to that used in the Hoo Peninsula study. An appropriately qualified specialist will need to carry out the work.

Paragraph 14.2.5 notes the guidance by which the assessments undertaken will have consideration of Historic England's Guidance on Deposit Modelling should also be followed,

together with KCC's draft standard specification for geoarchaeological assessment, which can be provided upon request.

Paragraph 14.2.6 should also refer to the Greater Thames Archaeological Research Framework.

### Baseline Description

Heritage Conservation: In paragraph 14.2.12, the Scoping Report should have included further information on the archaeological resource within the application site. Several archaeological investigations have been carried out within the area and important archaeological remains have been identified. The potential for non-designated heritage assets of archaeological interest, which are of equivalent significance to Scheduled Monuments, should have been noted within the Scoping Report. It is essential that the potential for such remains is thoroughly assessed in the EIA so that they can be considered during the design of the proposed development. It may be appropriate for field evaluation to be undertaken to clarify their significance before completion of the EIA. The desk-based assessment should be completed quickly so that the potential for important archaeological remains can be identified, and field evaluation undertaken if needed.

In respect of paragraph 14.2.13, the assessment for the historic environment chapter of the EIA and the supporting desk-based assessment should include a spatial understanding of the landscape context for heritage assets within a chronological framework, rather than considering individual heritage assets as separate entities. For example, the assessment should develop an understanding of the Neolithic landscape through deposit modelling and consider how Neolithic assets relate to that landscape context and to each other or to assets of other periods.

It has been helpful on other sites to produce Historic Environment Character Areas as part of the assessment process, which can be refined as new information and understanding is obtained through field evaluation. The production of a Historic Environment Character Area is therefore recommended.

### 14.4 Potential Significant Effects

Heritage Conservation: In respect of the conclusions reached in paragraph 14.4.5, the County Council considers that the Scoping Report has not adequately described the potential impact on archaeological assets within the site which are likely to have equivalent significance to scheduled monuments. The impact of the scheme on the waterlogged designated and equivalent significance Mesolithic and Neolithic sites within the Ebbsfleet flood plain should also be assessed. Where appropriate, monitoring of their condition should be undertaken.

### 14.6 Assessment Methodology

Heritage Conservation: Commentary regarding approaches to the historic environment and methodologies also apply to this section.

In respect of the paragraph 14.6.12, the importance of non-designated heritage assets to local communities should also be assessed. The contribution of such assets to a sense of place and sense of identity of an area should also be assessed.

KCC recommends that accepted criteria for assessing the significance of Palaeolithic sites should be used in addition to DCMS's principles of selection for scheduled monuments within Table 14.1: Determining the Heritage Significance of a Heritage Asset.

The County Council also recommends that Table 14.3 should be amended so that "High" magnitude impacts to heritage assets of Local Importance should be rated as "Moderate"; not "Minor" and "Medium" impacts on assets of local importance should be "Moderate/Minor".

It should also be noted that the original Ebbsfleet development Section 106 agreement made provision for an archaeological interpretation facility – a similar provision should be requested through this development. The developer should also be requested to contribute to the long-term deposition of the archaeological archive created as a result of the development through an appropriate box charge.

### **Chapter 13 – Water Environment**

Sustainable Urban Drainage Systems: The content of Section 13.2.7 and Section 13.2.8 is noted. In Section 13.4, 'Potential Significant Effects' pollution risk to underlying groundwater aquifers is mentioned under the 'Operation' phase but under 'Demolition and Construction' the focus is on drainage systems / local watercourses and there is not enough attention given to groundwater pollution risks. Furthermore, Table 13.1: Significance Criteria specifically mentions "*Decline in surface water quality*" - this should include groundwater too. In Table 13.2 'Scoped In / Out Elements', there is currently no mention of groundwater – this is a serious omission. Therefore, KCC concludes that greater consideration needs to be given to the risks to groundwater

Kent County Council, as Lead Local Flood Authority, also notes that a site-specific Flood Risk Assessment will be undertaken for the site. The Scoping Report also states that sustainable drainage will be addressed through individual technical assessments. KCC would refer the applicant to the County Council's Drainage and Planning Policy Statement (Appendix B), which sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development. This Policy Statement should be referred to for further details about KCC submission requirements.

KCC is pleased to note that water resources are to be considered as part of the EIA and would highlight that the impact on the total water cycle needs to be assessed environmentally. The impacts on water supply may be significant although the approach to surface water management could have a positive impact to water supplies.

## **Chapter 15 – Topics not included in the EIA Scope**

### **15.8 Minerals and Waste**

**Minerals and Waste:** The County Council, as Minerals and Waste Planning Authority, provided direct comments to Ebbsfleet Development Corporation on 13 January 2022 (Appendix C)

**Waste Management:** The EIA Scoping Report proposes to scope out waste from the Environmental Statement for the reasons raised in paragraph 15.8.4. All waste generated by this development will be collected by the Waste Collection Authority (WCA) for the area (in this case Dartford and Gravesham Borough Councils) in accordance with their existing collection arrangements. Any different arrangements to collect waste (to increase recycling and reduce residual waste) are unlikely to be accommodated by the WCA for this proposed development alone. KCC, as Waste Disposal Authority (WDA), currently sends less than 2% of household waste to landfill. Disposal to landfill is the least favoured and final disposal option for Kent, and will continue to be resisted. On this basis, it is unclear how the users of the proposed development are not going to be significant producers of waste, or how there would be a resultant significant reduction in landfill capacity as stated in paragraphs 15.8.4 and 15.8.5. This needs further explanation, as there is likely to be a significant impact upon the existing overstretched waste service and therefore it is suggested it should be considered within the EIA.

Subsequent to the waste being collected by the WCA, it will then need to be brought by the individual refuse collection vehicles (RCVs) to a KCC Waste Transfer Station (WTS) facility for bulking up before onward transport to its final disposal destination. No mention of this is made in the short paragraphs included in the EIA Scoping Report. KCC would wish to make sure that the applicant is aware that the existing WTS infrastructure that serves this area is at capacity. Any additional waste brought about by this proposed development will require mitigation to ensure the waste disposal service is sustainable and not overwhelmed. This can only occur through the construction of an additional WTS facility. KCC is working in partnership with the Ebbsfleet Development Corporation Project Team to address this critical need; however, a site or funding has not been secured yet.

It is for these reasons that KCC, as Waste Disposal Authority, requests consideration of Waste in the main ES, supported by a robust and well-informed Waste Strategy. KCC Waste currently foresees a significant impact on its waste service that requires mitigation to be put in place.

## **Appendix E - Heritage Statement**

### **2.3 Environmental Context**

#### *Paragraph 2.3.6*

**Heritage Conservation:** The Scoping Report correctly states that there are no designated historic assets within the site; however, the Scoping Report has not considered whether non-

designated heritage assets of archaeological interest (which are of equivalent status to scheduled monuments) are present within the site. NPPF footnote 68 states that such assets should be considered subject to the policies for designated heritage assets. Previous work in the area of the site indicates that important Palaeolithic remains may be present within the site. There is also potential for archaeological remains, of similar significance to the scheduled Mesolithic and Neolithic sites which lie just outside the site, to be found. The potential for such heritage assets should have been noted as part of the scoping process.

#### *2.4 Planning History*

An Ebbsfleet Archaeological Framework was approved as part of the outline planning permissions DA96/00047 and GBC19960035 and a Proposed Archaeological Mitigation Strategy was agreed for Station Quarter North. These documents identified archaeological areas which have been further refined for the Palaeolithic period during the assessment for London Resort. These documents should be updated and refined further during the assessment process for Ebbsfleet Central. The approach to historic environment characterisation and iterative process of review used for other sites in the Ebbsfleet area, such as Ebbsfleet Green, should be followed for Ebbsfleet Central.

The County Council has not provided comment on the Built Historic Environment Heritage Statement and would recommend that the Development Corporation seeks specialist advice on the built historic environment and design implications of the proposals.

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The County Council will continue to work closely with the Development Corporation to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with the Development Corporation and the applicant on the matters raised in this response.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,



**Stephanie Holt-Castle**  
Director for Growth and Communities

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Appendix A: Extract of 10K Network Map  
Appendix B: KCC Drainage and Planning Policy Statement  
Appendix C: KCC Minerals and Waste Planning Authority response.