



ECOLOGICAL ADVICE SERVICE

TO: *Michael Jessop*

FROM: *Helen Forster*

DATE: *04 November 2022*

SUBJECT: *Ebbsfleet Central East, Thames Way EDC/22/0168*

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

Summary

We advise that the following additional information is required prior to determination of the planning application.

- Clarification on how the importance of habitats/species have been reached.
- Additional information on the proposed mitigation on species, habitat and designated sites
- Clarification on the differences between the illustrative plans and the parameter plans.
- Additional information on the submitted BNG assessment.

Detailed Comments

We have reviewed the ecological information submitted with the planning application and we advise that it provides a good understanding of the ecological interest of the site. The surveys have detailed the following is present within the site:

- Dormouse
- Roosting bats within the surrounding area
- At least 8 species of bat within the site and surrounding area
- Water vole previously present within area.

- 3 species of reptiles
- 57 species of birds recorded during breeding bird surveys including Schedule 1, red, amber and priority species.
- Wintering bird surveys recorded schedule 1, red, amber and priority species.
- 270 terrestrial invertebrates – of which 6 were of conservation concern.
- Suitable habitat for eel
- Yellow vetchling – a nationally rare species.

In addition the site is directly adjacent to the Swanscombe Peninsula SSSI and is within the Ebbsfleet Marshes etc., Northfleet Local Wildlife site

We do query how the *importance* of some species have been assessed within the Environmental statement. We have provided details of our concerns below:

- Dormouse – has only been assessed as district / borough. The site is part of the populations which spans from the A2 corridor to the Swanscombe peninsula. It's our view that the site provides important connectivity for a population that spans wider than just district/borough.
- At least 8 species of bat within the site and surrounding area but the areas within/adjacent to the car parks have been assessed as less than local importance. The activity survey transect through areas EC1s (northern car park) was only carried out in the eastern boundary of the vegetation block not the western boundary. Therefore we query if there is sufficient survey data to conclude that the bat usage of the area is only local. We recommend that the bat activity interest of the whole site is considered as up to county importance within ES.
- Breeding Birds - While we acknowledge that the site does not meet the requirements to be considered as county importance due to the presence of Schedule 1, red, amber and priority species we are of the opinion that the importance of the site is greater than local.

We advise that the section on mitigation for impacts on the designated sites, habitats or species is not within the Environmental statement or is not substantial enough. We advise that details of the mitigation and assessing the impact of the proposals must be submitted as part of the planning application. An overview of the mitigation has been provided within the outline biodiversity mitigation and enhancement plan but it only details the practicalities of the mitigation proposed not an assessment of whether it would be successful or achievable within the proposed development. We advise that this information must be submitted prior to determination to ensure that the impact on the species, habitats and designated sites can be fully assessed against legislation and national and local policy.

We advise that we can not fully assess the impact from the proposed development until the details of the proposed mitigation or compensation has been submitted (if it is an omission) however if all the information is present we can provide updated comments. Therefore we have not provided detailed comments about the conclusions in the ES until this point has been clarified. However we have provided further advice on aspects which is unlikely to significantly change with the submission of the additional information.

The environmental Statement has detailed the following with regards to breeding birds: *Although some interchange of breeding bird species between the Site and the SSSI may occur, the*

habitat areas within the Site are not considered to play an important role in supporting the SSSI breeding bird assemblages, such that the loss of small areas of woodland and scrub within the Site is unlikely to significantly affect the breeding bird assemblages present within the SSSI. We acknowledge that the surveys demonstrate that the site does not support the same breeding bird assemblages as the wider SSSI but the proposal will result in a loss of habitat which supports breeding birds which could have a negative impact on breeding birds especially when considered in conjunction with disturbance from recreation and lighting. It's our opinion that additional information is required assessing the impact on breeding birds.

The report has highlighted that open areas of grassland cannot be re-created within the Proposed Development and there will be an adverse effect on the terrestrial invertebrate assemblage, particularly the brown banded carder bee. The submitted information has detailed that due to the proximity to the SSSI sufficient habitat will be retained within the wider area. As the proposal is reliant on the SSSI to ensure the population is not adversely impacted we question if there are opportunities to carry out management of the SSSI to further improve the habitat for those species groups.

We highlight that there are contradictions between the illustrative plan and the Landscape and Public Realm Parameter Plan. The Landscape and Public Realm Parameter Plan shows areas EC1.A1, EC1.C1, EC1.D1, EC1.D2 and EC1.H1 as development plots but the illustrative landscaping plan suggests the northern boundary will be largely vegetated. The illustrative landscaping plan gives the impression that this area will be largely undeveloped but as future development will be based on the parameter plans it means that there is uncertainty / confidence that the area will remain vegetated. We acknowledge that the landscape and public realm parameter plan does state that dormouse mitigation will have to be taken in to account in those areas but the plans do not provide confidence that the retained vegetated area will be as great as indicated by the landscaping plan.

The ecological report is reliant on the conclusions of noise, vibration and air quality reports. We advise that there is a need to ensure that EDC area satisfied they are valid. For example paragraph 11.11.3 of the ES states the following: *The Air Quality Chapter (Chapter 9) sets out the approach taken to assess predicted traffic emissions in relation to traffic movements on the road network as a result of the Proposed Development and in relation to consideration of other air quality effects. No International designated sites for nature conservation are located within 200m of the 'affected road network' for construction traffic. As such, no significant effects are anticipated in relation to effects from construction traffic emissions.* We advise that there is a need to ensure that the highways consultee are satisfied that the anticipated usage of the road network is as anticipated in the air quality chapter as there are roads in Kent which are within 200m of the international and nationally designated sites such as the A249. It's our understanding that the Lower Thames Crossing DCO has been submitted to PINS and highlight that if it's accepted there will be a need to consider the in combination impact of the Lower Thames Crossing with the development – this is particularly relevant in regard to vehicle numbers.

The submitted information has detailed that the site has been designed to retain the key features of the LWS including the River Ebbsfleet and associated riparian corridor, reedbeds, wet woodlands/ damp scrub woodland. The proposal details that the River Ebbsfleet will be subject to a 30m habitat corridor between development plots which is demonstrated within the parameter plans. However the river corridor is likely to result in high footfall and

therefore there is a risk that the habitats within that area will be degraded or not provide the same opportunities for species due to the increase in disturbance (including lighting and recreation). Due to the design of the development it's likely that there will be heavy recreational usage within the site and therefore there will be the need for lighting within this area. While the intention is for the habitat to be retained within the site we highlight that it is probably unlikely to provide the same ecological interest as it does currently and there is a need to acknowledge that and take it in to consideration when assessing the impact and understanding what mitigation/compensation is needed. The BNG metric currently demonstrates that there will be an anticipated 16% loss of habitats within the site however due to likelihood of disturbance within some areas it is our view that it is likely that the BNG loss will be higher.

To enable us to review the BNG metric in more detail we recommend a habitat creation plan is submitted which demonstrated the anticipated habitat retention, creation and enhancement as detailed within the metric. The plan should be annotated with numbers which correspond with the metric.

With regard to lighting the report does refer to a commitment to keep the River Ebbsfleet corridor free from lighting infrastructure other than where required for safe use of public rights of way across and states that lit routes crossing the corridor shall not exceed the minimum safe illuminance levels for their function. It's not clear within the submitted information the minimum and maximum level of lighting within those areas.

The environmental statement has detailed that there will be a loss 2.58ha of mixed scrub (with large areas dominated by bramble and buddleia), 0.7ha of species poor semi-improved grassland (dominated by perennial weeds and coarse grass species), and 0.83ha secondary broadleaved woodland (established in the last 15 to 20 years, dominated by sycamore, willow and ash) within the LWS. The report has concluded that those habitats are of low quality and are not listed within the LWS citation as a reason for designation, and therefore unlikely to have a significant role in supporting the conservation status of the LWS. We advise that we don't agree with that view as the citation details that the site contains scrub and rough grassland (as detailed above) and the habitats do support the species listed within the LWS. We do agree that the LWS is not in an optimum condition due to a lack of management in recent years but advise that it's our opinion that the loss will be greater than an impact at a local scale. The report refers to mitigation described in sections 11.8.138 to 11.8.153 of the Environmental statement but as detailed above that they are not within the ES.

The biodiversity Net Gain Assessment and the Design and Access Statement also indicates the provision of brown/green roofs. The submitted information details that the detailed design of these features will require input from a suitably qualified ecologist alongside the detailed design of the proposals. We are concerned that if the brown/green roofs are not demonstrated on parameter plans or information provided confirming the minimum area of brown/green roofs to be created within the site there will be no requirement for the brown/green roofs to be created in the detailed reserve matters application. We advise that there is need to ensure that green/brown roofs will be created within any development and there is no risk that they will not be created for other requirements (such as solar panels).

Currently the proposal states there will be an anticipated BNG loss of 16% but it has not been demonstrated what off site habitat creation or management will be carried out to enable the

development to demonstrate that there will be a 10% net gain. We advise that additional information must be submitted addressing this point.

It is anticipated that the proposal will result in an increase in recreation within the SSSI and LWS and the intention is to produce a recreation mitigation strategy within the areas in the applicants ownership. This hasn't been submitted with the application and we recommend that the principles of the strategy are submitted to demonstrate it can be achieved. The report has detailed that in the absence of further secondary mitigation, the presence of new residents and dogs may lead to a permanent adverse effect significant at the County scale. As this will result in the degradation of a SSSI (a nationally important site) we question why it has been considered an adverse impact at county scale and not at national scale. Details of the secondary mitigation details have not been provided as an outline and does not appear to have addressed the above point.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

Environmental Statement; Stantec; September 2022

Environmental Statement Appendix K 1-15; Stantec

Illustrative Landscape Plan; Weston Williamson and Partners; October 2022

Landscape and Public Realm Parameter Plan; Weston Williamson and Partners; September 2022