

## Biodiversity

**1ECOL15:** Dormouse surveys. ES Part 3, Kent Chapter 2 Ecology and Biodiversity [REP1-049], paragraph 2.9.98 highlights that precautionary ways of working would be adopted on the basis that surveys identified possible dormouse nests. Paragraph 1.4.12 of the Kent hazel dormouse survey report [APP-159] states that a 'probable' rather than 'possible' nest was found in Zone C. Does this finding alter the approach, preconstruction survey requirements or assessment of effects? NE and KCC may wish to comment on the survey requirements.

**KCC Response:** We are satisfied that the proposal to follow a precautionary mitigation approach and stop work if (in the unlikely event) any dormouse are found is appropriate.

**1ECOL16:** Reptile Surveys. With respect to reptile surveys explain: • What additional information is required to demonstrate that mitigation for reptiles in Area A and C is achievable. • What additional information is required to demonstrate why no reptile surveys were undertaken on the west site of the proposed converter station. • What additional information is required in relation to impacts on reptiles in Area D.

**KCC Response:** In line with the comments made in our November 2025 Local Impact Report:

**Area A:** To ensure the mitigation is appropriate and effective, we request that the following additional information are included within the full detailed LEMP and CEMP, with clear responsibilities, timelines, and enforcement mechanisms :

- **Habitat suitability of adjacent areas:** a clear assessment of the quality and carrying capacity of the adjacent habitats (e.g. stream corridor, woodland edge, rail corridor scrub) to receive displaced reptiles. This should include vegetation structure and diversity, availability of refugia and basking areas, connectivity to other suitable habitats
- **Monitoring and management:** details of a post-clearance monitoring programme to assess whether reptiles successfully relocate to adjacent habitats with population decline or growth, management measures if mitigation proves ineffective
- **Timing and weather contingencies :** clarification on how the timing of strimming (March or September) will be adjusted in response to weather conditions, which can significantly affect reptile activity and displacement success
- **Ecological supervision by confirmation of the role and responsibilities of the Ecological Clerk of Works (ECoW) during habitat manipulation, including**

**presence during all clearance activities, authority to stop works if risks to reptiles are identified**

**AREA C: Area C supports three native reptile species, qualifying it for inclusion in the Key Reptile Site Register, which indicates the site is of local conservation importance. This status should be reflected in the mitigation strategy.**

**We acknowledge the applicant's clarification that reptiles will be directed toward adjacent habitats, including semi-natural broadleaved woodland and the stream corridor. We also accept that a two-stage strimming approach may be more proportionate than trapping and translocation, given the reported population density. We are satisfied with the proposal to include the precise method of reptile exclusion within the full detailed Landscape and Ecological Management Plan (LEMP), to be agreed with the relevant planning authorities between the grant of the DCO and commencement of construction.**

**However, we remain concerned about the interim period before newly created habitats become ecologically functional. For a site of local importance with a good slow worm population, we would expect, as a minimum, that:**

- Adjacent habitats are enhanced to support all three reptile species in the long term (at present we do not know if these habitats are suitable for the three species).**
- A clear timeline and contingency plan is provided to ensure reptiles are not left without viable habitat during the 1–2 year period before habitat creation matures.**
- A programme of post-construction monitoring is implemented to assess the effectiveness of the mitigation measures and habitat establishment, and to inform any necessary adaptive management.**

**We recommend that these measures be explicitly included within the full detailed LEMP to ensure ecological continuity and compliance with best practice guidance (e.g. Natural England's standing advice on reptiles and BS 42020: Biodiversity – Code of Practice for Planning and Development).**

**We are also satisfied that the scrub habitat along the Minster Stream is to be retained. However, given the proposed construction of a balancing pond, and converter station, we anticipate the presence of heavy machinery on site. Therefore, we advise that strong precautionary measures, such as protective fencing, be maintained throughout the construction phase to prevent harm to reptiles and other wildlife. This should clearly appear within the full detailed Construction Environmental Management Plan (CEMP).**

**AREA D:** The area in question supports suitable scrub habitat and is known to host good populations of slow worms and common lizards, both of which are protected under UK wildlife legislation.

We note that approximately 600m<sup>2</sup> of suitable reptile habitat is proposed to be temporarily removed to facilitate the installation of a cable trench and haul road.

While we acknowledge that the area of habitat loss is relatively small and temporary, it is important to recognise that:

- The habitat will still be directly impacted during construction.
- Reinstatement will take time, and ecological functionality may not be immediately restored.
- The presence of reptiles cannot be ruled out, and precautionary measures are therefore necessary.

We advise that this habitat area should be explicitly included within the proposed two-stage reptile habitat manipulation strategy, and this should be clearly set out in the full detailed Construction Environmental Management Plan (CEMP).

Furthermore, we expect the applicant to demonstrate that appropriate habitat compensation, even if temporary, is provided to support the continued viability of the local slow worm and common lizard populations during the construction phase. This should include, as a minimum:

- Creation of temporary suitable habitat prior to the commencement of works, allowing time for it to establish and become ecologically functional.
- Enhancement of adjacent habitats to increase their carrying capacity and connectivity.
- Post-construction monitoring to assess habitat recovery and the effectiveness of mitigation measures.

## **Traffic and Transport**

### **ITT12.** Overlapping construction programmes

- Applicant - In the applicant's response to RR [REP2-014] (specifically responding to SCC comments) it is stated that there could be a minor/moderate cumulative effect which could persist for up to nine months in total on the B1121 Main Road to the south of Saxmundham if the programmes for the proposed development and other projects (such as Sizewell C and LionLink) overlapped precisely. A possible moderate cumulative impact would potentially be disruptive for people who live in the area, especially if it lasts for nine months. What more can the

applicant provide and secure to ensure that this level of cumulative effect is avoided or further mitigated?

- Councils – What is the local highway authorities view of this potential situation?

**KCC Response: As this question specifically relates to the Suffolk Highway network, KCC has no comment.**

**ITT13.** Cumulative traffic assessment. Considering all the information submitted up to and including that received from the applicant at deadline 2, what further data or analysis (if any) would the Local Highway Authorities require from the applicant to be satisfied that the cumulative traffic assessment is sufficiently robust?

**KCC Response: It was our understanding from the Draft Statement of Common Ground (SoCG) that the Transport Assessment Note (TAN) would be accompanied by the relevant supporting evidence of construction traffic flows within the agreed study area, which appears to have informed the cumulative effects assessment. This has not been provided, and neither has there been any discussion in the applicant's submission around any required capacity assessment at key junctions, simply the assessment carried out in accordance with IEMA guidelines. We have not seen the relevant supporting evidence of construction traffic flows for these junctions, nor has there been any discussion around any required capacity assessment. We would consider this level of assessment necessary in order to be satisfied that the cumulative traffic assessment is sufficiently robust.**

**1CEIntra2.** Significant intra-project cumulative impacts and mitigation (ISH1). Can the councils comment on the applicant's response to AP8 regarding identification of significant effects [REP1-124] and AP9 with respect to the applicant's approach to mitigation of identified cumulative intra-project significant effects [REP1A-037].

**KCC Response: In our view, cumulative traffic impacts can be combined quantitatively through traffic modelling, and should therefore be subject to further investigation, guided by professional judgement, if mitigation is to be meaningful and effective. We are satisfied in principle with the highway-related mitigation proposed to date, but these are general measures that would be expected of a scheme of this nature. The cumulative effects assessment to date is not sufficient in our view to identify specific mitigation (i.e., by junction) that may be required.**

## **Water Environment**

**1WE1.** Sequential and exception test. Provide a response with respect to the acceptability and policy compliance of the applicant's sequential and exception test as

included in the Flood Risk Assessment [APP-292]? In answering, although the ExA notes that the proposed substations, converter stations and cable transition joint bays are all located in Flood Zone 1, specifically cover the manner in which the Exception Test has been applied by the applicant regarding the presence of some components of the scheme (construction routes and cables etc) being necessarily in Flood Zones 2 and 3.

**KCC Response: Regarding 1WE1- Sequential and exception test: the suitability of the application of the sequential and exception tests in relation to planning applications is normally a function undertaken, given their specific greater local knowledge, by the Local Planning Authority and we would not normally make comment. That said we note the FRA states that:**

**“The Proposed Project is classified as ‘essential infrastructure’, with some areas located within Flood Zone 3. The criteria for the exception test have therefore been assessed and it has been concluded that the sustainability benefits of the Proposed Project outweigh the degree of flood risk and that the Proposed Project will be safe for its lifetime in the context of flood risk, and will not increase flood risk elsewhere.”**

**Whilst the development proposals themselves are classed as essential infrastructure and so *acceptable* in flood zone 3 the available guidance also states that:**

***“In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.***

***In Flood Zone 3b (functional floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to:***

- remain operational and safe for users in times of flood;***
- result in no net loss of floodplain storage;***
- not impede water flows and not increase flood risk elsewhere.”***

**As previously advised in our LIR response dated 7<sup>th</sup> November to yourself the provided document 7.5.3.1: Other Documents Vol 7, CEMP Appendix A Outline Code of Construction Practice states:**

***“Surface water drainage from permanent above ground infrastructure would be managed and treated using SuDS in accordance with policy and guidance requirements of the relevant Lead Local Flood Authorities to include allowances for climate change in accordance with current (May 2022) Environment Agency guidelines. These SuDS would be maintained over the lifetime of the Proposed***

***Project and the drainage infrastructure would provide the storage necessary to achieve discharges at greenfield rates and would not significantly alter groundwater recharge patterns by transferring recharge quantities from one catchment to another.”***

**As part of detailed design submissions going forward (and as required we assume ‘by condition’ if approved) we would ensure that any proposals are designed to remain operational and safe from a Surface Water management perspective.**

**The FRA provided stated that it is evidenced that the proposals demonstrate “a design that ensures the Proposed Project will be safe for its lifetime in the context of flood risk, and will not increase flood risk elsewhere” – and so whilst some confidence is given from this statement (and that we are content with the FRA contents from a surface water perspective), given that the flood areas relate to tidal flood risk and not surface water (being Flood Zone 3a) we would advise that the Environment Agency should be consulted as the ‘governing body’ with regards to tidal flood risk and as to the appropriateness of the assessment made with regards to the proposals remaining operational and safe in times of flood specifically in relation to tidal flooding.**

**1WE5.** Weatherlees Hill Wastewater Treatment Works. Confirm if there are any plans to extend the Weatherlees Hill wastewater treatment works, and if so how that could be affected by the proposed development.

**KCC Response: With regards to 1WE5 – Weatherlees Hill Wastewater Treatment Works: we were consulted last year by KCC planning on application ref: KCC/TH/0041/2024 regarding the site and the “Proposed installation, operation and decommissioning of ground mounted solar photovoltaic (PV) array with associated infrastructure and biodiversity enhancement at Weatherlees Hill Wastewater Treatment Works, Jutes Lane, Weatherlees Hill, Ramsgate, Kent, CT12 5DJ”. KCC Officers are not aware of any other proposals to extend Weatherlees WwTW at present. Any further questions on this would need to be directed to Southern Water.**

## **Cultural Heritage**

**1CH3.** Inclusion of heritage assets in the ES assessment. Are there any designated or non-designated heritage assets within either county that were not considered within the ES, or that were scoped out for further assessment within the ES, which should have been assessed? Furthermore, were the study areas used sufficient to include all heritage assets which could be impacted by the proposed development?

**KCC Response: Kent County Council's Principal Archaeological Officer has been involved in detailed pre-submission discussions and engagement with the applicant's archaeological consultants concerning the potential effects of the scheme on archaeological assets . It is our view that suitable study areas have been identified and used in compiling the ES and detailed geophysical surveys and evaluation works have taken place to enhance the baseline and inform the siting of the works to reduce the effects of the scheme on archaeology. Historic England have led on the effects of the scheme on the setting of the Scheduled Monument at Richborough and we asked for the impacts on the setting of the large late Iron Age / Roman defended enclosure at Ebbsfleet hill to be scoped in. The effects on the Built Heritage assets such as Listed Buildings and Conservation Areas would be a matter for the conservation teams at Thanet and Dover District Councils.**

**1CH5.** Areas not currently assessed. SCC in section 7 of its LIR [REP1-130] states that there are areas within the order limits that have not been included in the trenched evaluations undertaken to this point, such as areas around the proposed Friston substation site, which would still need assessing. For the applicant, provide a plan to show areas that still require archaeological assessment and confirm when this will be done. Also, explain why this remaining assessment work has not yet been undertaken.

For Historic England, SCC and KCC: If there are areas where further assessment work is required, should this be done before the close of examination so that the results can be considered along with any necessary mitigation? Or could this be done after any potential consent through secured commitments/requirements?

**KCC Response: In Kent, it is only the archaeology and geoarchaeology potential of the deeper alluvial deposits (in the marshlands of the former Wantsum Sea Channel that would be affected by the piling for the substation and pylons) deposits that is still to be evaluated. An initial modelling of existing ground investigation (GI) data has been included in the present submissions which is to be enhanced through a round of further monitoring of GI boreholes and subsequent modelling that is presently taking place. It is hoped that this further information and modelling should be available before the close of examination so that impacts on the deeper deposits can be better understood and mitigation requirements understood.**

The area of the proposed compound at Hollins Bottom / Lord of the Manor lies close to a recognised Neolithic causewayed enclosure and is in a location that hasn't been specifically surveyed or evaluated through trenching. The location of the compound does, however, appear from aerial photography to have been partially disturbed through the creation of an earlier compound and lies down slope of the Neolithic enclosure in the valley. The KCC Principal Archaeological Officer is satisfied that any potential scheme impacts in this area can be managed

through further survey, evaluation and design or mitigation measures post consent through secured commitments / requirements.

**1CH9.** Ebbsfleet Peninsular multi-period complex archaeological site. Historic England [REP1-199] describes the Ebbsfleet Peninsular multi-period complex as being of schedulable quality and of national importance. Explain why this is a non-designated heritage asset but not a Scheduled Ancient Monument, given its high value.

**KCC Response:** Kent County Council agree with Historic England that the multi-period complex at Ebbsfleet Hill should be considered to be of national importance and schedulable quality. The recent survey works and evaluation trenching have enhanced our understanding of this complex of enclosures further and reinforced their significance and have allowed us to better understand the extent of the complex.

The complex of enclosures has not yet been put forward for scheduling. Kent County Council is presently undertaking a programme of detailed mapping of the archaeology of the Isle of Thanet which will identify sites that merit consideration for designation as one of its outcomes. The enclosure complex at Ebbsfleet will be considered through that project if it has not been proposed for scheduling beforehand.

**1CH12.** Geophysical surveys in Kent. Confirm whether there are any additional geophysical/archaeological surveys needed for areas of Kent that should be undertaken by the applicant

**KCC Response:** Kent County Council are satisfied with the extent of geophysical survey and evaluation trenching that has been undertaken for the Kent part of the scheme. Geophysical survey has covered the scheme footprint and wider except at Hollins Bottom (as discussed in response to question 1CH5). Evaluation trenching has taken account of both the archaeology on land and in the upper former marshland deposits (to 1m depth). Further work is currently in progress on monitoring and modelling the GI work in the area of the proposed substation / convertor station which should be completed and reported to better understand the impacts on the deeper deposits of the former Wantsum Sea Channel and the potential for archaeology remains in that area.