

Action Points for Kent County Council (KCC) arising from Issue Specific Hearing 2 (ISH2) on environmental issues held on Wednesday 28 January to Friday 30 January 2026

Ecology and Biodiversity

Action 3.

Kent County Council (KCC) was unable to attend the hearing. KCC to respond to:

- The applicant's comments in response to Matthew Denny that reptile surveys are unnecessary at the former hoverport site as reptiles would not generally be present on the hardstanding area and would be unlikely to be affected if present in cracks in the hardstanding due to the proposed track reinforcement.

KCC response: Reptiles are not found in areas that are fully hard standing. But if the area is mixture of hard standing (with cracks) and areas of vegetation the presence of reptiles can't be ruled out.

- The applicant's comments that wider invasive non-native species control measures are not required to be undertaken by the applicant at the hoverport to offset the wider effects of the works.

KCC response: We do not have enough information to respond to this comment.

- Provide comment on the approach to non-significant enhancements as outlined in item 3.5.17 of the applicant's DL3 statement of common ground (SoCG) with Dover District Council.

KCC response: We defer to Dover District Council on this issue.

- The applicant's comments that there are no industry standard metrics relating to the quantity of land required to mitigate for impacts on skylark.

KCC response: To inform an Outline Mitigation and Compensation Strategy, a map should be provided to show as a minimum where there is possible mitigation land. There should be an explanation of the type of fields to be targeted (size, shape, field boundaries) and how it has been assessed that the compensation measures proposed are capable of supporting the additional birds.

The number of skylark territories proposed within any plot of land should be determined based on the minimum field sizes recommended in guidance (5ha bounded by open field boundaries or short hedges, 10ha if bounded by tall hedges or woodland) and scientific evidence/ monitoring data for other similar projects

should support the proposed approach with regards to any enhancement measures to increase territory numbers within existing areas of land.

The Royal Society for the Protection of Birds (RSPB) advice contained within '*A management guide to birds of lowland farmland*' (Winspear and Davies, 2005) suggests that '*skylarks generally avoid small fields. The best fields to use are ones of at least 5 ha if bounded by open field boundaries or short hedges, or fields of at least 10 ha if bounded by tall hedges or woodland.*' Other sources corroborate this. Research by the British Trust for Ornithology (BTO) indicates that tall structures such as hedgerows and woodland edge reduce the area of a field that skylark will use.

There is available scientific research to inform the amount of land required to compensate for impacts to skylark. The ecologist will need to consider the number of territories/pairs that need to be compensated for and the quality of the habitat to provide that compensation in order to determine the area of land required. The ecologist will also need to consider whether the land proposed to provide the compensation already contains nesting skylarks.

Skylark territory size varies greatly, but most territories cover 0.25 – 2 ha.

Research indicates that fields with two skylark plots per ha can accommodate more nesting skylarks compared with conventional winter-sown wheat management (0.3 territories per ha compared between 0.1 to 0.2 territories per ha). If skylark plots are combined with arable field margins, 0.4 territories per ha could be supported. Available literature indicates that habitat changes within farmland might achieve between 0.2-0.5 territories per ha (five-year set aside land) and 1 territory per ha (fallow land).

Natural England has previously indicated that a ratio of three skylark plots for every territory lost would be acceptable as compensation for development^[1]. However, a more recent CIEEM In Practice Article ([InPractice117_Sep2022.pdf](#)) provides a better metric for skylark compensation and we would encourage its use. We would encourage the application of the precautionary principle when designing the compensation. The proposed compensation measures should be fully and clearly justified with clear scientific reasoning and backing.

Cultural Heritage

Action 52.

Heritage assets listed by the applicant [REP3-070] which are scoped out of the ES include those which are described as experiencing an adverse impact, though less than

substantial at the lower end of this scale. For example, asset ID 1215749 - Buxlow Manor in Suffolk. For this example and the others like it, provide additional information as to the potential impact to the significance of each asset and further justification as to why it was scoped out.

For all relevant Councils and Historic England, is it appropriate to scope out from the ES assessment heritage assets which are considered to have (lower end of) less than substantial impact on their significance?

KCC response: Heritage Assets scoped out but assessed as impacts with lower end of less than substantial - the list/table provided doesn't appear to include any assessed as such in Kent. Most non-designated assets are scoped out as 'Asset is non-designated so does not meet criteria for assessment of effects through change to setting and there would be no physical impact to the asset'. For archaeological assets, we identified the need to assess the setting of the non-designated Ebbsfleet enclosure which has been done. We are satisfied that the impacts on the setting of other non-designated archaeological assets did not require more detailed assessment and scoping in.

Action 56.

Agree on a plan to submit showing the extent of the Ebbsfleet Peninsular Multi Period Complex with the proposed order limits, proposed compounds and haul roads overlaid.

KCC response: The applicant's archaeologist and KCC have agreed two figures which the applicant has agreed to submit to the ExA for deadline 4.

Traffic and Transport

Action 59.

Updates provided for junction modelling for both Kent and Suffolk (to include cumulative traffic), if the modelling is not fully submitted at DL4.

KCC response: This action lies with the applicant to provide, with KCC to review once submitted.

Action 62.

Consider and discuss between County Councils and applicant whether information regarding predicted journey time analysis is required to be part of a robust traffic and transport assessment, including cumulative assessments.

KCC response: A need for this type of assessment has not yet been determined, contingent on the junction modelling, but we would expect that it is probably not

required. Construction traffic will already be using Kent's major road network for the majority of trips and total journey delay along the A299 and A256 is not likely to be significant in severity.

Action 67.

On proposed new accesses, the applicant has stated that road safety audits have been carried out to show that the proposed new accesses are feasible and can be safe. Provide comments on this and whether it is considered that further information on road safety audits or other forms of information and evidence is necessary for the proposed new accesses during the Examination stage?

KCC response: KCC Highways have seen and given feedback as the Overseeing Organisation on the Stage 1 RSAs submitted, and we are currently satisfied that these adequately address initial safety matters, prior to detailed design.

Climate Change

Action 80.

KCC to provide response to ExQ1 1CC1 [PD-017] regarding climate change and the Finch judgement.

KCC response: KCC has no comment on this issue.

Water Environment

Action 83.

Set out position with respect to the Minster Converter Station and Substation footprint and any impacts on land drains are present which address surface water in the associated fields and these could be affected in a manner which increases the risk of flooding including having regards to the applicant's position as set out in the response to Kent County Council's Local Impact Report [REP2-028].

KCC response: This site falls within the jurisdiction of the River Stour Internal Drainage Board and so Land Drainage Matters rest with themselves.

If an ordinary watercourse is culverted it remains a watercourse and requires consent to culvert, even if the culvert is temporary. This would be subject to the usual consent process with the Authority of the area, including the associated documentation.

That said we noted that within the provided Flood Risk Assessment Table 1.1. it is stated "W11 - Severance of existing land drainage routes, including agricultural

field drainage systems, would be managed during construction through provision of temporary alternative drainage routes, and these drainage systems would be permanently reinstated or rerouted ensuring their existing function is maintained” and that “AS05 - Consultation with affected landowners will be carried out to investigate the current extent of land drainage which will be taken into account in the development of the Drainage Management Plan (see W14) prior to construction, with the intent of maintaining the efficiency of the existing land drainage system.”

These proposals would seem appropriate.

Action 88.

Confirm any outstanding concerns with respect to meeting the objectives of the WFD.

KCC response: With regards to the management of surface water any proposals will be required to demonstrate compliance with DEFRA’s SuDS Technical Standards, para 1.9. of which requires that “The surface water drainage design shall not contribute to the depletion of surface waters or groundwater beyond safe environmental levels. For example, as set out in the Water Environment (Water Framework Directive) Regulations 2017 (WFD) or measured by the hydrological regime element” and so by ‘default’ the impacts will be considered and it will be required for the applicant to demonstrate that any proposals comply with DEFRA’s standards and thus the WFD.

It should be noted that the site proposals are already in a failing catchment and it is unlikely that as a result of the mitigation measures proposed that the classification will be affected negatively.

Cumulative Effects

Action 113.

KCC’s comments responding to ExQ 1CEIntra2 [REP3-091] relate entirely to traffic. Confirm if there are any other concerns regarding the mitigations of other environmental effects.

KCC response: KCC has no further concerns beyond those already outlined above.

Draft Development Consent Order

Action 118.

KCC to consider ExQ1 question 1GEN28 [PD-017] and the applicant's response [REP3-069] regarding the inclusion of the words "which consent shall not be unreasonably withheld or delayed" and the applicant's proposed 35 day decision period.

KCC response: KCC has no comment on this issue

Additional Comments

During ISH2, KCC officers (present online) noted the following queries from the ExA with regard to Public Rights of Way (PRoW), to which we have responded.

- **The applicant only has temporary rights to move PRoW. Is this correct?**

Yes- Within the Document 7.5.9.2 'Outline Public Rights of Way Management Plan – Kent (PRoWMP) — Our interpretation is that they propose to only temporarily close PROW where necessary. The document is perhaps misleading in that it refers to permanent diversions as being an option (e.g. at 2.5.3), but also goes onto say that "No PRoW will be permanently diverted as a result of the Kent Onshore Scheme" (2.5.7 & 5.9.1). We note that the Draft Development Consent Order refers to the permanent "stopping up of Street and Public Rights of Way (para 16), however no PRoW are specified within Schedule 7 and therefore no PRoW are proposed to be permanently stopped up or diverted.

- **Mitigation measures proposed adequately mitigate against impact of development on the PRoW network. Is this correct in your view?**

We agree that sufficient mitigation measures are provide as detailed within the PRoW MP during construction. For example through the principle of seeking the minimum impact on users with a hierarchy of action (5.4); keeping routes open as far as possible (with marshalling and/or controlled crossings), any temporary diversion routes kept to the minimum distance and shortest duration, the provision of signage and information and the reinstatement of any directly affected PRoW to the same standard as recorded prior to the commencement of construction.

- **The applicant cannot do any more in terms of mitigation. Do you agree with this?**

No, we do not agree with this. Following the completion of the works the applicant will reinstate any impacted PRoW to the same condition as it was prior to the works. To mitigate against the inconvenience caused to the public during construction and post construction, such as the visual impact and any loss of views and the impact of any

change in ground conditions (e.g. following disturbance the ground may not drain as it did or be as firm to walk on), the inspector may consider if they felt it appropriate that some or all the PRow should be reinstated to a higher standard, for example through the laying down of an unbound surface and/or a financial obligation to fund improvements to the wider surrounding network.

If we may also bring to the inspector's attention that it has long been a desire to secure a new pedestrian bridge link across the River Stour in the vicinity. The Public Footpaths which run along both the North and South side of the River Stour have no connectivity beyond the road crossing at Plucks Gutter to the West and Sandwich to the East, a distance of approximately 7 miles. Such a crossing would be a very valuable enhancement of the network, linking an otherwise very rural and remote part of the network and providing a unique opportunity for recreational access and to engage with nature.