



ECOLOGICAL ADVICE SERVICE

TO: *Richard Hart*

FROM: *Emma England*

DATE: *04 September 2025*

SUBJECT: *20250697, 20250731, 20250754, 20250755, 20250757, 20250756 / Eastcourt Marshes Electricity Substation*

The following is provided by Kent County Council's Ecological Advice Service (KCC 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 if sufficient/appropriate ecological information has been provided.

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.

CONDITION 3 DISCHARGE - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

We have been consulted on the discharge of condition 3. This is related to the Construction Environmental Management Plan (CEMP). We see this condition has already been discharged and so we have no comments to make. Conditions 10, 11 and 12 are more relevant to ecology matters in any case.

CONDITION 5 DISCHARGE - GROUNDWATER MONITORING AND MAINTENANCE PLAN – CONTAMINATION

We have been consulted on them discharge of condition 5. However, it is our understanding that it is related to the Groundwater Monitoring and Maintenance Plan – Contamination. We do not have the expertise to advise on the discharge of this condition and have no comments to make. Please let us know if we have missed anything.

CONDITION 6 DISCHARGE - CONSTRUCTION TRAFFIC MANAGEMENT PLAN

We have been consulted on them discharge of condition 6. However, it is our understanding that it is related to the construction traffic management plan. This condition does not appear to be relevant to biodiversity matters and so we have no comment to make. Please let us know if we have missed anything.

CONDITION 10 DISCHARGE - CONSTRUCTION ECOLOGICAL MANAGEMENT STRATEGY (CEMS) - BIODIVERSITY/BIODIVERSITY METHOD STATEMENT

The submitted document is well structured and fairly comprehensive. However, there are a few updates that we consider necessary to ensure that the document is fully accurate and achievable.

Water voles

- 1) We understand that water voles may require displacing under licence, on short stretches of waterbodies, to facilitate the works. However, it is not clear where or how the habitat enhancement/creation required under licence will be available after completion of works. This needs to be made clear.

Invertebrates and other updated surveys

- 2) We understand that the available documents for this condition were submitted prior to the completion of updated surveys which revealed additional ecological constraints. The CEMS (including Figure 1 and Table 4 of LEMP Appendix C) should be updated to reflect these additional constraints e.g., fiery clearwing moth. We further note that survey methodology including dates of surveys and weather conditions during survey have not been provided as is good practice. The CEMS needs to be based on the available up-to-date survey information.

Invertebrates

- 3) The CEMS in section 5.7 does not make clear whether construction activities are expected to impact upon the important habitats for invertebrates or exactly which species/habitats are likely to be affected. It is therefore difficult for us to understand whether specific habitat mitigation measures should be in place prior to construction to reduce impacts and ensure suitable habitat is continuously available for the relevant invertebrates;
- 4) As part of the consultation for the original submission, Buglife suggested that the project ecologists undervalued the site's importance for invertebrates. Buglife stated in its comments dated 27th February 2024 that survey data available for the site has led to the site being incorporated into the Thames Estuary South Important Invertebrate Area (IIA). This indicates that the site is nationally important for its invertebrate assemblage, and linkages to the wider landscape, including South Thames Estuary and Marshes Site of Special Scientific Interest (SSSI). Support for this position is bolstered by the recent finding of the fiery clearwing moth on-site.

We note that Buglife previously commented: *"All the site ditches will be retained along with a 'minimum buffer of 5m'. As this is the only habitat to be retained on-site, Buglife would hope to see this buffer increased and ideally a phased approach to loss or modification of habitats rather than the whole area being cleared within a short time frame. It would also like to see a clear commitment to reinstating habitats as soon as possible after their initial disturbance"*.

We cannot see that these comments or a justification for not taking them forward has been provided within the submission material.

Reptiles

- 5) We understand from the applicant that the reptile mitigation strategy covers areas within and outside the red line boundary for this application. Consideration of

cumulative effects from multiple applications, particularly where part of the same development is important. However, if we are being asked to only consider specific impacts for this application, these impacts need to be clearly separated and mitigated for within the submission. It is not currently clear from the submitted information how much reptile habitat is anticipated to be permanently or temporarily lost as part of this submission. Clear plans showing this, as well as areas would be appreciated. We note that the figure of 230m² to be permanently lost is mentioned with a temporary footprint of 3.71ha. However, plans, previous information provided as part of the original submission, and the description of the development appear to suggest a much larger permanent loss of habitat. This would greatly benefit from clarification as it is not currently clear to KCC whether the proposed off-site compensatory habitat is sufficient;

- 6) We are concerned that given the good habitat reported across parts of the site, and wide area of habitat that appears likely to be affected within the development area, that the reptile mitigation strategy may not be sufficient. We note that the ecological constraints and opportunities report states: *“Two-staged clearance displacement approach is feasible in small areas to be cleared. Potential fencing and translocation required in larger areas”*. Given the good habitat reported, three reptile species found (including a ‘good’ population of slow worm) and relatively large area affected, we are surprised that a full translocation has not then been proposed within the reptile mitigation strategy.

CONDITION 11 DISCHARGE - LANDSCAPE ECOLOGICAL MANAGEMENT PLAN (LEMP)

We understand that the detailed designs for this development are not available at this stage. We further understand from the applicant, that an approach has been sought with Gravesham Borough Council whereby Condition 11 is to be partially discharged only. The elements for partial discharge include the following:

- Construction phase information

The following aspects we understand are to be dealt with via a further submission once detailed plans are available. We understand the purpose of this approach is to allow works to commence sooner on-site:

- Operational phase information prior to first use of the project.

We would recommend that any habitat restoration, creation or enhancement elements of the project (including required management actions) that are required for protected/priority species mitigation such as for invertebrates, reptiles and water voles are provided at this stage. The reason being that these works should happen prior to or as part of site/vegetation clearance. Currently the information provided appears insufficient.

Habitat creation works that are purely proposed as enhancements or not required for short-term species mitigation would be ok to be left as information prior to first use of the project as proposed.

Detailed operational lighting plans can be put forward as part of a second submission.

Reptiles

There are elements of the reptile mitigation strategy that are unclear. The precise mowing regime proposed in the enhancement areas is not clear within the submission, and it is unclear whether habitat improvements will be in place before any removal of existing reptile habitat as would be expected.

The cutting regime within the enhancement areas should follow the recommendations within the Reptile Habitat Management Handbook by Edgar *et al.*, 2010. This Handbook indicates the following:

- There should be no simultaneous removal of all vegetation cover or a substantial portion of it, across the area/s at once;
- Cutting should be phased by dividing the enhancement areas into management plots;
- Many smaller management plots are preferable to a few larger ones to maintain habitat diversity at a fine scale;
- Cutting should be undertaken when reptiles are least likely to be killed, ideally during winter (November to February), but paying attention to weather conditions which may prevent mowing during this time;
- Winter cutting should avoid creating large areas of short vegetation around hibernation sites;
- Plots should be cut on a rotation of no shorter than three years (i.e. one third of the plots cut each year);
- Where there are areas of invertebrate/botanical interest that require cutting at a different time of year, then surveys should identify these areas and they should be clearly marked on plans and a specific methodology for management provided;
- The cut should be as high as possible, a minimum of 15cm.

As suitable reptile compensatory habitat should be in place prior to works starting on-site, this information should form part of the submission.

Invertebrates

We see that Buglife also indicated that commercial seed mixes should not be used at the site to avoid any potential negative effects on the nearby SSSI. We note that the current submission continues to be based on the use of commercial seed mixes within the landscape design with no commentary on other options that might be more suitable at this site.

CONDITION 12 DISCHARGE

Many of the comments above for condition 11 are relevant to condition 12. Additionally, for condition 12, it is not clear that a survey of the compensation site with suitable reptile habitat has been undertaken to understand the current population present and how the habitat can support additional animals.

The monitoring measures that will be required long-term and the responsibility for long-term management of the protected/priority species mitigation areas should be made clear at this stage as these measures will need to be in place prior to or in line with site/vegetation clearance activities.

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

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

AECOM (July 2024) Response to Ecological Points Raised in KCC Advice to Gravesham BC dated 27 February 2024.

Ferrovial Construction (July 2025) Grain to Tilbury. LEMP Appendix C Gravesham Borough Council Construction Ecological Management Strategy and Ecological Design Strategy.

Ferrovial Construction (July 2025) Grain to Tilbury. Landscape and Ecological Management Plan (LEMP) – Gravesham Borough Council Planning.

Appendix 1 – Condition Wording

Construction Environmental Management Plan (CEMP)

3. No development approved by this permission shall be commenced until a comprehensive Construction Environmental Management Plan (CEMP) and all associated appendices covering all environmental impacts of this development is submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency, Local Highway Authority and GBC Environmental Protection. The development hereby permitted shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP). For the avoidance of doubt the Construction Environmental Management Plan (CEMP) shall, where practical, include but not exclusively cover the following:

Construction Traffic Management Plan

Groundwater Monitoring and Maintenance Plan - Contamination

5. No development approved by this permission shall take place until a groundwater monitoring and maintenance plan in respect of contamination, including a timetable of monitoring (pre-, during and post-construction) and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 187 of the National Planning Policy Framework (2024).

6. Prior to the commencement of the development hereby permitted a comprehensive Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The plan shall include as a minimum:

- a. routing of construction and delivery vehicles to and from site,
- b. parking and turning areas for construction and delivery vehicles and site personnel,
- c. timing of deliveries,
- d. wheel washing facilities,
- e. temporary traffic management/signage,
- f. a pre-condition survey of the local roads to be used,
- g. a Sustainable Travel Plan to reduce the number of employees traveling by private car and parking in nearby public roads,
- h. timings of HGV movements to cause minimum disruption,
- i. liaison with the Lower Thames Crossing Team,
- j. loading/unloading areas within the site compound,
- k. waiting areas to avoid conflicting HGV movements,
- l. particularly on the Thames and Medway Canal Road;

- m. safe pedestrian access to the site;*
- n. the impact on highway trees and shrubs of the abnormal loads,*
- o. construction phasing,*
- p. construction routing plans and*
- q. permitted construction traffic arrival and departure times.*

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure the development would have no adverse impact to the safe and free flow of traffic on the highway network in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and section 9 of the National Planning Policy Framework (2024).

Construction Ecological Management Strategy (CEMS) - Biodiversity/Biodiversity Method Statement

10. No development approved by this permission shall take place (including any site/vegetation clearance) before a construction ecological management strategy (CEMS - biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMS - biodiversity shall be based on the avoidance, mitigation and compensation measures indicated within the ecological information submitted with the planning application. The CEMS - biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities;*
- b. The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs. This shall include a suitable buffer zone(s) (as set out by a suitably qualified ecologist) for relevant protected and priority species;*
- c. Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats;*
- d. Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements);*
- e. The location and timing of sensitive works to avoid harm to biodiversity features;*
- f. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- g. The times during construction when specialist ecologists need to be present on site to oversee works;*
- h. Details of any necessary protected species licences or reference to other relevant documents as required (e.g., Arboricultural Method Statement/ updated species survey reports/ecological design strategy);*
- i. Responsible persons and lines of communication; and*
- j. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*

The approved CEMS - biodiversity will be adhered to and implemented throughout the construction period (and beyond if required) in accordance with the approved details.

Reason: To ensure that construction of the development does not cause harm to biodiversity or ecology including protected species in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014) and section 15 of the National Planning Policy Framework (2024).

Landscape Ecological Management Plan (LEMP)

11. No development approved by this permission shall take place until a Landscape Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all wetland and ditch habitats has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The LEMP shall include the following:

- a. Details of treatment of operational site boundaries and/or buffers around water bodies; an adequate buffer zone extent (i.e. to provide good forage and shelter for water voles) to be identified and demarked on a scaled map;*
- b. Details demonstrating how the buffer zone will be protected during development;*
- c. Details of how any permanent proposed footpaths, fencing, lighting, and other aspects of the development may interact with the wetland or ditch habitats; the applicant should note that artificial light spill should be directed away from ecological receptors, sensitive lighting design guidance can be accessed via the Bat Conservation Trust;*
- d. No light spill from permanent external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within 8.5 metres of the top of bank of the watercourse are maintained at background level (background levels are considered to be a Lux level of 0-2);*
- e. Details of maintenance regimes; including specific treatment of the ditch buffer zone and new wetland habitats;*
- f. Details of any new wetland and ditch habitat created on-site, including any proposed planting scheme should be provided. Planting schemes should use native species, suited to the catchment character and management responsibilities should be provided.*

Reason: To ensure the protection of wildlife and the supporting habitat and to secure opportunities for enhancing the site's nature conservation value, promoting positive conservation status for water vole in the area and to complement achievement of the proposed Biodiversity Net Gain ambition in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy (2014) and section 15 of the National Planning Policy Framework (2024).

Ecological Design Strategy

12. No development approved by this permission shall take place (including any site/vegetation clearance) before an Ecological Design Strategy (EDS) has been submitted to and approved in writing by, the Local Planning Authority. The EDS shall ensure that on-site compensatory habitat is provided for relevant protected and priority species (as determined by a suitably qualified ecologist). The EDS shall ensure that both on and off-site compensatory habitat is provided for the projected permanent and temporary loss of reptile habitat (as identified in the AECOM Technical Note: Response to Ecological Points Raised in KCC Advice to Gravesham BC Dated 27th February 2024 (24th July 2024

Rev02). The EDS shall ensure the mitigation and compensation measures with regards to habitat improvements proposed, and the area of land required, are based on available scientific research and government standing advice. If the proposed compensation site already has an existing population of the relevant species and/or is already proposed as compensation for other development, evidence shall be provided to demonstrate that the measures proposed are additional. The EDS shall include where practical the following:

- a. Up-to-date survey data carried out in accordance with best practice for the both the development site and the proposed off-site compensation site(s);
- b. Purpose and conservation objectives for the proposed works;
- c. Review of site potential and constraints;
- d. Description and evaluation of features to be managed;
- e. Detailed design(s) and/or working method(s) to achieve stated objectives. This shall include a detailed methodology for the movement of reptiles and measures to prevent reptiles returning to the site prior to and during the development. This shall also include details of how any receptor sites will be enhanced and be in a suitable condition to support the likely number of animals which will be moved, prior to any animals being moved, and details of the management of the compensation site(s) in perpetuity.
- f. Full details of soft landscape works, to include species, size and location of new habitats (e.g., trees, shrubs, hedges and grassed areas to be planted) with the extent and location/area of proposed works shown on appropriate scaled maps and plans;
- g. Full details of the proposed ecological features. For habitat boxes details shall include numbers, make and model, locations to include height, aspect and mounting location shown on scaled landscaping plans suitable for construction. For log piles and hibernacula details shall include materials, size, shape and construction methodology. Locations shall be shown on scaled landscaping plans suitable for construction;
- h. Extent and location/area of proposed works on appropriate scale maps and plans;
- i. Full details of the extent of appropriate buffers (as set out by a suitably qualified ecologist) for protected and priority species;
- j. Type and source of building materials to be used where appropriate, e.g. native species of local provenance;
- k. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- l. Details of the body or organisation(s) responsible for implementing the EDS and the mechanisms for securing the mitigation/compensation land and its management for the lifetime of the development;
- m. Details of initial aftercare and appropriate management prescriptions for relevant protected and priority species and habitats (as identified by a suitably qualified ecologist and in accordance with information submitted as part of the application) for the lifetime of the development within a Landscape and Ecological Management Plan;
- n. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- o. Details for monitoring (to be undertaken by a suitably qualified ecologist(s)) and remedial measures.

The EDS shall be implemented in accordance with the approved details. All features shall be retained as approved thereafter, unless remedial measures are required. Approval for any remedial measures shall be sought from the Local Planning Authority in writing and thereafter implemented as approved.

Reason: To ensure that construction of the development does not cause harm to species including protected species and their habitat in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014) and section 15 of the National Planning Policy Framework (2024).