

National Infrastructure Planning

Sent by email only to:
LowerThamesCrossing@planninginspectorate.gov.uk

Your Ref: TR010032

21 February 2023



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Dear Sir/Madam

Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing

Planning Act 2008 – Section 89(3)

Following our registration as an interested party, please find attached at Annex A, the Kent Downs AONB Unit's relevant representation. This sets out the Kent Downs AONB Units summary of what we consider to be the main issues in respect of potential impacts to the Kent Downs AONB arising from the scheme and assessment against relevant AONB policy. They are the principal submissions that we wish to raise at present; we may have further points to make, particularly if further information becomes available.

Notwithstanding fundamental issues in principle with the Project and in particular in respect of the selected route location, the AONB Unit has welcomed the positive engagement between National Highways and their consultants with the AONB Unit to date, including the legacy and benefits steering group. The AONB Unit will continue discussions with the National Highways to seek to resolve concerns where possible, although recognise that this may be challenging given the nature and significance of impacts to the AONB.

The Kent Downs AONB Unit will develop the points raised further as appropriate during the Examination. I can confirm that the AONB Unit would be happy to provide oral representation as part of the Examination on the issues that we raise.

This representation is made on behalf of the Kent Downs AONB Unit and as such is at an officer level and does not necessarily represent the comments of the whole AONB partnership. The Kent Downs AONB Unit is an advisory body that has no statutory planning powers. However, the Unit employs a Planning Manager and provides advice on development proposals impacting on the Kent Downs AONB based on the statutory Kent Downs AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for

Anglesey
Arnside and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

Enhancing landscapes and life in the Kent Downs

The Kent Downs AONB Joint Advisory Committee (JAC) promotes and co-ordinates the conservation and enhancement of the Kent Downs AONB. Funding is provided by DEFRA, Kent County Council and the local authorities of Ashford, Bromley, Canterbury, Dover, Gravesham, Medway, Maidstone, Sevenoaks, Shepway, Swale and Tonbridge & Malling. Other organisations represented on the JAC include Natural England, the Environment Agency, Country Land and Business Association, National Farmers Union, Kent Association of Parish Councils and Action with Communities in Rural Kent.

the management of the area and for the carrying out of their functions in relation to it'.

Please find below a summary of the points that we raise:

SUMMARY OF KENT DOWNS AONB UNIT RELEVANT REPRESENTATION

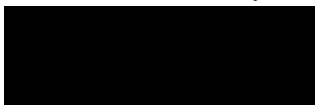
The proposed scheme would result in significant adverse impacts to the landscape and scenic beauty of the Kent Downs AONB, principally as a result of the widening of the A2 and associated vegetation loss and the proximity of the new junction with the A2 to the AONB boundary. It is considered that the route selection process failed to give sufficient consideration of impacts to the nationally protected AONB, particularly as the majority of the impacts within the designated area were not known at the time the route was selected.

While a comprehensive package of mitigation is proposed, it is not considered that the impacts of the scheme on the Kent Downs AONB can be satisfactorily mitigated and much of the mitigation/compensation planting is proposed outside of the Kent Downs AONB. It is therefore considered that in the event of the Project coming forward, compensation should be provided for the acknowledged harm to the AONB.

The residual impacts to the AONB are considered to be underassessed in the LVIA. It is also considered that the Planning Statement's justification against the tests set out in the NPSNN relating to impacts on the AONB underplays the harm to this designation and relies over heavily in justification of the scheme on a reduction of impact arising as a result of design refinements.

The Kent Downs AONB strongly objects to the scheme.

Yours sincerely



Katie Miller
Planning Manager, Kent Downs AONB Unit

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KENT DOWNS AONB RELEVANT REPRESENTATION

IMPACTS TO THE AONB

As recognised in the Submission, the Project has potential to significantly adversely impact on the landscape and scenic beauty of the Kent Downs AONB and the nature of the impacts is such that it would not be possible to wholly mitigate these impacts. Impacts to the AONB include:

- The proposed widening of the A2 corridor from 8 to 14 lanes for a length of approximately 2 km as it passes through the AONB, resulting in the erosion of the landscape and visual quality of the AONB.
- The removal of existing trees and vegetation from both sides of the A2 involving loss of ancient woodland and loss of habitat from SSSIs establishing vegetative mitigation for HS1, opening up views of the transport corridor and reducing the current wooded context within which it sits.
- The removal of a belt of mature trees that currently separates and screens the east and west bound carriageways of the A2 from each other.
- Relocation of utilities adjacent to the A2 carriageways, resulting in inability to provide replacement planting, further opening up the landscape and reducing the current wooded context of the highways corridor.
- Physical and visual severance of the AONB to the north of the A2, further isolating Shorne Woods from Cobham Parklands and Ashenbank Wood to the south as a result of the widened corridor.
- Reduction in tranquillity during construction and following completion of the scheme from noise and increased lighting.
- Visual intrusion on the setting of the AONB as a result of the complicated, multi-level junction with the A2 and dual three lane highway adjacent to the AONB.
- Revised access arrangements to the Harlex Haulage Depot resulting in further encroachment into a currently undeveloped part of the AONB which has high landscape character and value.
- The provision of a construction compound directly adjacent to the AONB, resulting in the loss of Gravelhill Wood, a mature woodland that is consistent with local landscape character and shares the characteristics of the adjacent AONB.
- Potential 'downstream' effects to the AONB including potential required works to Bluebell Hill (A229) and the A2 further south as a result of increased traffic.

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- The above would result in significant impacts to many of the identified special characteristics and qualities of the Kent Downs natural beauty, as identified in the AONB Management Plan, including:
 - Dramatic landform and views
 - Biodiversity-rich habitats
 - Farmed landscape
 - Woodland and trees
 - Historic and cultural heritage
 - Geology and Natural resources
 - Tranquillity and remoteness

MITIGATION

The scale and nature of the proposals is such that it is not possible to wholly mitigate impacts, as reflected in predicted significant adverse residual landscape and visual effects at Year 15. Nevertheless, and notwithstanding our fundamental concerns, the commitment to a significant package of mitigation and compensation measures is welcomed. However, the AONB Unit has concerns that much of the proposed mitigation and compensation planting is proposed outside of the AONB and the potential for mitigation alongside the A2/M2 limited due to restricted space for planting and the constraints of the utility corridors. Where mitigation planting is proposed within the AONB, it does not always reflect landscape character, such as on former parkland north of Park Pale.

Green Bridges

The Project results in increased severance of the AONB landscape as a result of the widening of the existing A2 corridor and loss of the vegetated central reservation and HS1 mitigation planting. The replacement of the two bridges across the A2 within/immediately adjacent to the AONB with green bridges provides an opportunity to reduce this severance. Ongoing discussion has resulted in enhanced and improved design of the green bridges, however they are still considered to fall short of their potential due to their restricted width which limits their potential mitigation in reconnecting the landscape.

Nitrogen Deposition

The AONB Unit supports the general approach to nitrogen deposition compensation which is proposed, to use a landscape scale approach rather than creating multiple, small new sites as this is likely to provide wider ecological benefits as well as potential improvements both visually and ecologically at a landscape scale. The specified habitat site selection methodology used to select appropriate sites is also supported.

However, while the majority of sites likely to be affected by increased nitrogen deposition are located within the Kent Downs AONB, well under half of the total proposed compensation area is proposed in the Kent Downs AONB, which does not appear to provide for equivalent compensation to potential assessed harm to the biodiversity rich habitats of the AONB.

At F.5.52 of the Planning Statement Appendix F Kent Downs AONB it is advised that the scheme would deliver '*landscape scale enhancement through the delivery of the nitrogen deposition compensation sites*'. Since the application was submitted, it is our understanding that the scale of compensation sites in the AONB is likely to be substantially reduced and it is our view that this no longer represents landscape scale enhancement.

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COMPENSATION

The LVIA predicts significant residual impacts to the AONB that are not capable of being mitigated. It is therefore considered that compensation should be provided for the acknowledged harm to the AONB. Compensation would not offset harm to the AONB; damage to the AONB and its setting cannot be substituted by other means. However, if the decision is taken to proceed with the Project, such an approach would be consistent with the Kent Downs AONB Management Plan, and in particular, Principle SD 12.

At F.3.5 of the Planning Statement Appendix F Kent Downs AONB, it is advised that environmental compensation and mitigation in the Kent Downs AONB includes earthwork features such as false cuttings, walking, cycling and horse-riding route realignments, improved connections over the A2/M2 and with local roads, Ancient woodland compensation planting and extensive woodland planting around the A22/A2/M2 junction. This is not considered by the AONB Unit to represent compensation for the harm arising to the landscape and scenic beauty of the Kent Downs AONB.

Proposals for Nitrogen Deposition compensation include a 70ha site (reduced from an originally proposed 100ha site) on land within the AONB which incorporates planting that, combined with other measures such as public access, visitor facilities and car park, could represent AONB compensation as landscape enhancements at a landscape scale could be achieved across the site. Since the application was submitted, it is our understanding that the scale of compensation site is likely to be substantially reduced and would no longer represent landscape scale enhancement and therefore appropriate AONB compensation.

The AONB Unit is involved in constructive on-going discussions with National Highways regarding appropriate AONB compensation in the event of the Project coming forward.

CONTROL DOCUMENTS

Design Principles Document

The Design Principles Document contains many measures that are supported as they incorporate requirements that are appropriate to the site's location within/affecting the AONB. We are however concerned however that many of the requirements are worded in such a way that they may not be complied with in reality. This includes many references to 'where practical', 'where reasonably practical' and 'unless otherwise agreed'.

It is also considered that additional principles that would further mitigate impacts on the AONB could be included.

OLEMP

We are supportive of measures incorporated into the oLEMP which has been developed with input from the AONB Unit. We are concerned however not to be identified as a relevant Stakeholder with whom the LEMP is to be developed further as set out at paragraph 2.16 and Table 2.1 of the 6.7 Outline Landscape and Ecology Management Plan. We do however, welcome our inclusion within the proposed Advisory Group as set out at 4.1.13.

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LVIA

It is considered that the level of harm to the AONB is underassessed in some cases in the LVIA, in particular in respect of the reported effects at Design Year, but also in respect of some of the Opening year effects, mainly as a result of what we consider to be under assessment of magnitude of change. This consequently leads to under-estimated residual significance of effects for the receptors.

We also consider that the impacts reported in Appendix 7.13 of the ES – Views from the Road Assessment are underassessed in respect of views from within the AONB, both in respect of the sensitivity of the receptor and the predicted Magnitude of Change at construction, Year 1 and the Design Year.

POLICY CONSIDERATIONS

The AONB Unit has concern about claims made that the Project has sought to avoid where possible work within the AONB such as at F.5.9 of the Planning Statement Appendix F, given that alternative routes are available that avoid the AONB all together. It is considered that the route selection process failed to give sufficient consideration of impacts to the nationally protected AONB, particularly as the majority of the impacts within the designated area were not known at the time the route was selected. Most of the impacts within the AONB boundary are as a direct result of the assessed requirement for widening and realignment of the A2 and connector roads as it passes through the AONB and associated utility diversion works. These requirements were only established after the current route had been selected, as recognised at F.5.15 Planning Statement Appendix F Kent Downs AONB.

The AONB Unit does not agree with all the conclusions set out in 7.2 Planning Statement Appendix A - National Policy Statement for National Networks (NPSNN) Accordance Table. In particular it is considered that claims that environmental impacts are avoided and mitigated are over stated and the extent of residual impacts are not properly reflected here. As raised elsewhere in this representation, it is also considered that impacts on the AONB are underassessed in the LVIA.

It is considered that the submission is misleading in making repeated references to the relocated utilities being provided within an existing infrastructure corridor, rather than more accurately referring to the relocated utilities being provided outside of the existing A2 corridor, resulting in the required widening of it and associated destruction of Ancient Woodland and SSSI habitat, as well as requiring removal of existing maturing vegetative mitigation for HS1.

The scheme is also repeatedly justified on the basis of impacts arising from the utilities diversions having reduced through design refinements. While the reduction in encroachment into the AONB between the 2018 and the two 2020 consultations is welcomed, earlier iterations of the proposal, including when the decision was made for the current route location, did not involve any works to the A2 or associated utilities diversions through the AONB. It is therefore considered that too much emphasis is placed on the reduction from the worst case scenario that was presented as part of the scheme evolution, that subsequently allowed for a reduction in effects following design refinements in justifying the Project against the NPSNN, para 5151.

The proposal is also justified on the basis of the scheme affecting only a small proportion of the AONB and affecting an area already impacted by transport infrastructure. This is illustrated for example in F.2.4, Planning Statement Appendix F Kent Downs AONB, where it states 'the Project affects only the very northern most area of the Kent Downs AONB and is limited to the existing major transport infrastructure corridor through the West Kent Downs Character Area within the Kent Downs AONB'. As explained above, the works in fact extend outside of the existing corridor.

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Furthermore, in terms of policy and statute, the fact that the appeal site is a small part of a much larger AONB is not important.

Finally, we strongly disagree with the conclusion in the Planning Statement Appendix F that the purpose of the AONB designation would not be compromised as a result of the Scheme and also consider such a statement to be in direct conflict with the conclusion of the LVIA that there would be residual significant adverse effects for landscape and visual receptors.

END

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