

Date: 24 February 2023
Our ref: 418789
Your ref: TR010032



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Dear Sir or Madam

NSIP Project Name: The Lower Thames Crossing
NSIP Reference Code: TR010032
Natural England User Code: 20034784

Following the Section 56 letter dated 9 January 2023 from National Highways, we are pleased to provide Natural England's relevant representations for the Lower Thames Crossing project within this letter.

Following our registration as an interested party on the 16 February 2023, I can confirm that the contact details for Natural England in relation to the Lower Thames Crossing examination are as follows:

- Main contact: Sean Hanna, Senior Adviser
- Telephone number: 0208 0266 064
- Email address (this is our preferred contact method for document sharing and project updates): lrc@naturalengland.org.uk
- Postal address: Natural England, 9th Floor, International House, Dover Place, Ashford, Kent TN23 1HU
- Natural England User Code: 20034784

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the collaborative approach that National Highways has taken and we continue to work with the applicant to help ensure that the scheme can realise the ambition of being an exemplar of sustainable development achieving the transport objectives but also delivering key outcomes for the cross Government Environment Improvement Plan.

These relevant representations provide Natural England's summary of what we consider to be the main nature conservation, landscape, access and related issues¹ in relation to the Development Consent Order (DCO) application, including the Deemed Marine Licence contained therein, and indicate the principal submissions that we wish to make at this point. Natural England will develop these points further, as appropriate, during the examination process. Natural England may have

¹ PINS NSIP Advice Note 11 Annex C sets out Natural England's role in infrastructure planning.
https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

further or additional points to make, particularly if supplementary information about the project becomes available.

Annex A to this letter details Natural England's overall view of the application and the main issues which we consider need to be addressed by the Secretary of State. This sets out our representations for the significant issues which remain outstanding, and which Natural England advises should be addressed by National Highways and the Examining Authority as part of the examination process in order to ensure that the project can properly be consented. These are primarily issues on which further information would be required in order to allow the Examining Authority properly to undertake its task or where further work is required to both determine the nature of the effects and mitigation proposals and to provide a sufficient degree of confidence as to their efficacy.

Summary of Natural England's Relevant Representations

Internationally designated nature conservation sites

- Natural England does not concur with the air quality assessments and approach in relation to the Epping Forest and North Downs Woodland Special Areas of Conservation. We also recommend that further clarity is provided in relation to which plans or projects have been considered as part of the in-combination transport generated air quality assessment.
- There are also potential impacts to birds associated with the Thames Estuary and Marshes Special Protection Area that Natural England considers should be subject to additional mitigation measures during the construction phase to avoid impacts.

Nationally designated nature conservation sites

- Natural England does not endorse the direct loss of habitat from the Shorne and Ashenbank Woods Site of Special Scientific Interest resulting from this scheme. We advise that further information is required to understand the potential impacts from recreational users and the nature, scale and effectiveness of the measures proposed for all direct and indirect impacts to the SSSI.
- The project has the potential to impact breeding birds associated with the South Thames Estuary and Marshes SSSI from disturbing activities during the breeding period to avoid impacts to wintering birds. We consider that further clarity should be provided on how impacts to breeding and wintering birds are to be avoided.
- Natural England is progressing the case for a SSSI notification in the Tilbury area and have worked closely with National Highways on this. If the SSSI is notified, the Environmental Statement may need to be updated to reflect any additional impacts and mitigation measures required.

Nationally important landscapes

- Natural England does not endorse the direct loss and impacts to the Kent Downs Area of Outstanding Natural Beauty. We remain concerned regarding the scale and nature of the impacts and consider that further detail and additional photomontages are required to allow us to understand the nature and scale of the impacts and effectiveness of the mitigation measures proposed.
- Natural England is concerned with the scale and impact of the development and its impacts to the landscape character and key visual receptors within the AONB and does not currently consider that the mitigation measures will be effective in their current form with significant residual adverse impacts remaining 15 years post consent. We therefore recommend that greater clarity on how the project will mitigate these residual impacts is provided.

Protected species

- The applicant has recently shared their updated draft protected species licence applications which Natural England is currently reviewing. We will provide further advice on these matters in our written representations.

Ancient woodland and veteran trees

- Natural England does not endorse the loss or indirect impacts to areas of ancient woodland or veteran trees. We recommend that clarity is provided on the areas of habitat that are to be created for impacts and how these will achieve a rich biodiversity and support species impacted by the proposal.

England Coast Path

- Natural England is keen to work collaboratively with the applicant to better understand their proposals to ensure that the England Coast Path National Trail is maintained during the construction and operational phases of the project.

Habitats and species of principal importance

- Natural England recommends that further information is provided in relation to the impacts and the replacement habitat for habitats of principal importance.

Other habitats and species of conservation concern

- Natural England recommends that, given the significant new and additional severance that will be created as a result of the project that a more robust approach for landscape scale habitat connectivity across all of the transport corridor is provided to reduce the impacts from the project for wildlife and people.
- We also advise that the NDep compensation sites may already support species or habitats of ecological value and they have not all been subject to detailed ecological assessments. Further information and consideration of potential impacts may therefore be appropriate.

Cross cutting concerns

- Natural England is concerned that the value of several ecological receptors appears to have been downgraded within the environmental statement. As such, we recommend that greater clarity and justification is provided regarding these apparent deviations from guidance.
- Given the nature and scale of impacts, Natural England considers that a robust approach to monitoring the success of all ecological and landscape mitigation measures needs to be provided. We strongly advocate an 'indicators of success' approach which looks not just at the habitat establishment but also the species groups which these should support.
- Whilst information is provided in relation to the landscape and ecological mitigation measures proposed, significant detail and clarity appears to be deferred to the post consent stage. Such a deferral of important detail increases the uncertainty of the assessment of residual impacts within the application documents and places a significant burden on stakeholders post consent.
- Whilst the design principles help address the concerns regarding the deferral of detail post consent, Natural England considers that a greater degree of certainty on the specific measures should be provided at this stage to give confidence in the mitigation.

Development consent order

- Natural England does not consider it appropriate for the Development Consent Order to disapply our SSSI responsibilities under Section 28 E and H of the Wildlife and Countryside Act, 1981 (as amended).

Natural England will continue engaging in constructive discussions with National Highways to seek to resolve these concerns. Where we are able to resolve matters, we will aim to agree these matters in an updated statement of common ground with the applicant. Failing satisfactory agreement, Natural England advises that the matters detailed in Annex A require consideration by the Examining Authority as part of the examination process.

The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.

Yours faithfully

James Seymour
Area Manager
Sussex and Kent Team

Annex A: Natural England’s Relevant Representations for the Lower Thames Crossing proposal

We have provided our representations in the tables below and colour coded them as red, amber or green. These are summarised as follows:

- **Red** are those where there are fundamental concerns which it may not be possible to overcome in their current form.
- **Amber** are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- **Green** are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

This note builds upon and complements our currently agreed Statement of Common Ground (SoCG) with National Highways (application document reference APP-099); for ease, we have not replicated elements that are fully agreed as these are covered in the SoCG.

Table 2.1 Natural England’s detailed comments in relation to internationally designated sites

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> • Further details about the project in order to enable assessment • Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE01	2.1.94 2.1.91	O	Natural England does not agree with the conclusion of no adverse effect on the integrity of the Epping Forest SAC and advises that the operational air quality effects to the SAC require mitigation measures to reduce the pollutant contribution of the Project to acceptable levels, consistent with the conservation objectives to ‘restore’ the site to below its critical levels or loads. The matter of ‘inconsequential	Natural England advises that a REAC commitment should be used to secure the identified mitigation measure (an enforceable speed limit reduction on the M25).	An appropriate mitigation measure has been identified by National Highways in the form of a speed limit reduction on the M25. Natural England understands this measure is not formally proposed by National Highways, but it has been modelled to be effective in reducing air pollution to acceptable levels. The speed limit reduction must be capable of being enforced, with monitoring and a feedback loop to achieve the desired	Red

			NOx' is also relevant to Epping Forest SAC in so far as the area of SAC affected would increase.		outcome.	
NE02	2.1.88 2.1.91	O	<p>Natural England is seeking further evidence concerning predicted air pollution impact and is yet to provide its final advice on whether there will be 'no likely significant effect' on the North Downs Woodlands SAC</p> <p>We have commissioned additional work on the application of the Habitats Regulations to the matter of 'inconsequential NOx'. We have received initial advice from our contractor which is under review by our specialists pending any further advice to this project.</p> <p>Our concern is that National Highways has not considered Nitrogen deposition (or ammonia) as pollutants in their own right, because the increase in NOx is less than 0.3µg/m³. Natural England does not consider that this is compliant with case law.</p>	Natural England recommends that further consideration of air quality impacts to the North Downs Woodland SAC is provided.	Depending on the clarity that Natural England advises should be provided, further mitigation measures may need to be secured.	Amber
NE03	2.1.90	O	Natural England is seeking confirmation that the Lower Thames Crossing traffic model builds in the same data for in-	The mechanism for securing measures does not change as a result of this item.	The mitigation / compensation required could conceivably change in volume, rather than type.	Amber

			<p>combination development as Local Authorities use for their Local Plan allocations and that it includes consented and unconsented allocations.</p> <p>This concern relates to the general traffic and air quality modelling work, and therefore applies to a range of ecological receptors sensitive to air quality impacts, rather than one specific receptor. Natural England has yet to receive adequate assurances that all allocated development (including those with and without planning permission) within Local Plans which will generate a volume of traffic has been appropriately accounted for in the calculations informing the ES / HRA assessments. Progress on this issue appears to be hindered by the methodology being unable to expressly confirm the traffic figures in a translatable manner which can be used with confidence for HRA in-combination purposes (i.e. comparing growth factors with traffic numbers). Thus Natural England is not yet confident that the Project can demonstrate that it has fully taken account of Local Plans within the in-combination test.</p>			
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NE04	2.1.4, 2.1.92, 2.1.93 and 2.1.68	C	<p>Natural England considers that the construction of the project will cause a range of disturbance effects to the bird features of the Thames Estuary and Marshes SPA. National Highways has provided a Technical Note to Natural England regarding the mitigation proposed to address disturbance to SPA birds using functionally linked land in the vicinity of the north portal (including the intertidal zone). These works are proposed at Coalhouse Point, to create wetland habitat. Additional works are proposed near the south portal. Whilst we agree that these works are feasible and would provide appropriate mitigation, we continue to review the proposed REAC commitments HR010 & HR011.</p> <p>Natural England agrees that these works are feasible and form appropriate mitigation (in type and scale). However we understand that although their creation could cause disturbance, no commitment to seasonal avoidance has been made (see HRA para 7.1.28)</p>	Natural England advise that the creation of the wetland habitat and installation of the regulated tidal exchange structure (if pursued in the absence of water secured via the Coalhouse Fort moat) should commit to avoiding the winter bird season (September – March) via a REAC commitment.	Natural England recommends that seasonal avoidance restrictions should also apply to the wetland habitat creation and tidal exchange structure installation.	Amber
NE05	2.1.88 & 2.1.89	C	Natural England consider that the boring is likely to have a significant effect on SPA birds	N/A	Natural England is not seeking any specific mitigation measures to address the	Green

			<p>that feed underwater. Natural England and National Highways have discussed this issue during pre-application meetings. National Highways has provided a rationale around this impact pathway, however we consider that the level of detail required to adequately examine this matter fits more comfortably with the Appropriate Assessment, than the likely significant effect screening stage. We consider that the Appropriate Assessment may be able to conclude 'no adverse effect on integrity', however there are technical matters around the sensitivity of bird hearing underwater which have not been fully examined in the submission.</p>		<p>concern around underwater noise. In our opinion, the robustness of the HRA conclusions on this matter could be improved by the use of sensitivity threshold units that can be translated to birds. Bird hearing peaks at 20µPa, whereas a figure of 1µPa is used in the assessment. We appreciate the section 9.6.164-9.6.179 in the marine biodiversity chapter, and so ideally this would be repeated for birds.</p>	
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Table 2.2 Natural England’s detailed comments in relation to nationally designated sites

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> • Further details about the project in order to enable assessment • Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE06	2.1.80	B	<p>Shorne and Ashenbank Woods SSSI</p> <p>Natural England notes that a number of new and diverted public rights of way are proposed within the Shorne and Ashenbank Woods SSSI to the south of the A2 which also requires surfaced tracks to be installed. In addition, a new car park with facilities for horseboxes and a cycle hub are proposed at Thong Lane immediately adjacent to the SSSI to the north of the A2.</p> <p>The Environmental Statement has not provided an assessment of the potential for direct and indirect impacts from these proposals to the SSSI resulting from factors such as increased recreational activity and loss of habitat to the surfacing, for example.</p>	<p>Natural England recommends that a comprehensive assessment of the potential direct and indirect impacts from these proposals needs to be provided. Detailed information on the location, nature of the surfaced trails (including materials, construction and width) along with information relating to an assessment of the likely usage of these facilities.</p> <p>A robust visitor impact study for the proposed car park should also be provided. This should be used to inform a detailed assessment of the potential impacts to the SSSI. Where impacts are likely to result, additional mitigation and compensation measures</p>	<p>Potential requirement for additional mitigation and compensation measures to be secured via the DCO once the assessment has been undertaken.</p>	Amber

				will need to be secured.		
NE07		2.1.65	<p>SSSI impacts and compensatory habitat provision</p> <p>Natural England does not endorse the direct loss of habitat from the Shorne and Ashenbank Woods SSSI as a result of the scheme.</p> <p>Should the Secretary of State decide that the impacts to the SSSI and broader SSSI series are outweighed by the benefits arising from the proposal, we acknowledge the applicant's proposed approach to restore and enhance connectivity between Shorne and Ashenbank Woods SSSI and Great Crabbles Wood SSSI through the delivery of woodland planting. However, we would also urge that further measures intended to provide cohesive, landscape-scale habitat connectivity in a north-south direction as well as east-west should also be provided. These will help build resilience around the SSSI and reduce the ecological severance caused by the significantly increased transport corridor. To aid this we recommend that an enhanced green bridge design which provides continuous habitat links across</p>	<p>Natural England advises that a stronger emphasis on landscape scale connectivity across the transport corridor is included as part of the mitigation measures proposed.</p> <p>Given the need to ensure that the SSSI compensation land can be safeguarded against future development proposals, Natural England recommends that a plan clearly setting out the SSSI compensation land is provided by the applicant.</p> <p>National Highways should clarify the areas that are to be provided to offset the ancient woodland impacts and the SSSI loss given the apparent overlap between the areas in Sections 8.6.9 and 8.6.53.</p>	Potential requirement for additional mitigation and compensation measures to be secured via the DCO	Red

		<p>the transport infrastructure is provided.</p> <p>Given the significance of impacts associated with the agreed route alignment, we would continue to advise that all measures intended to minimise an adverse effect, and where possible, provide a betterment for the natural environment should be considered as part of this scheme.</p> <p>Based upon the information provided with the Environmental Statement, the scheme will result in the direct loss of 5.85 hectares from the SSSI including an area of ancient woodland. Natural England does not endorse the loss of the SSSI which would appear contrary to Section 5.29 of the National Policy Statement for National Networks which provides a strong presumption against proposals where impacts may result.</p> <p>Whilst it is not possible to mitigate or compensate the loss of irreplaceable ancient and long established semi-natural woodland habitats within the SSSI, the applicant is proposing three areas of</p>			
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			<p>habitat creation (amounting to 35.1 hectares) to provide resilience around the SSSI as detailed in Section 8.6.9 of the Environmental Statement.</p> <p>In addition, Section 8.6.53 details that there will be a loss of 5.35hectares of ancient woodland in Kent for which 48.75 hectares of replacement woodland is to be planted.</p> <p>The total area of ancient woodland and SSSI replacement habitat proposed within the Environmental Masterplan in Kent for direct impacts do not amount to the sum of these areas.</p>			
NE08	2.1.60 2.1.65	B	<p>Habitat establishment for SSSI, including ancient and long established semi-natural woodland impacts</p> <p>Whilst Natural England does not endorse the loss and damage of habitats within the SSSI, we acknowledge the commitment to provide a compensatory package should the scheme be consented.</p> <p>Given the importance of these compensatory measures, Natural England is concerned that there may be instances wherein receptor sites are not</p>	<p>Greater clarity on the areas where soil translocation is proposed and the measures that will be implemented for other areas of woodland creation to offset the impacts should be provided to give confidence in the ecological mitigation.</p>	<p>Potential requirement for additional mitigation measures to be secured via the DCO once an assessment of any potential implications been undertaken.</p>	Amber

		<p>inoculated with ancient woodland soils. Key to achieving a biodiverse rich, ecologically functioning habitat will be the establishment of higher and lower plants so we recommend that greater clarity is provided in relation to which areas of the woodland creation areas will be inoculated with donor site soils. In addition, greater clarity should be provided on the measures that will be taken for the woodland compensation areas to offset the loss of SSSI and ancient woodland habitat where soil translocation is not possible, to ensure that high quality, biodiverse rich habitat will be created. Limited information is provided in Section 8.23 of the Outline Landscape and Environment Management Plan but we consider that a much higher level of detail and certainty should be provided to allow confidence in the measures to reduce and offset the impacts should the scheme be consented.</p> <p>National Highways should confirm that soil translocations will be in line with best practice standards and timings, and monitoring requirements secured via an appropriate mechanism such as an</p>			
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			ecological monitoring plan.			
NE09	2.1.66	C	<p>South Thames Estuary and Marshes SSSI Given the overlap of the Order Limits with the Thames Estuary and Marshes SPA and Ramsar site, Natural England welcomes the measures to avoid and mitigate impacts to the features of these sites (as agreed within the REAC). Nonetheless, we would reiterate that the Environmental Statement should also consider impacts to the breeding bird features of the South Thames and Marshes SSSI.</p> <p>It is also noted that a number of measures proposed within the REAC – that are intended to mitigate disturbance impacts to the overwintering birds associated with the SPA and Ramsar site – are proposed to be implemented during the breeding bird season. Natural England therefore recommends that further clarity is provided on the potential impacts and required mitigation measures for all designated sites and notified features.</p>	<p>A robust assessment of any impacts upon breeding birds associated with the SSSI should be provided. Given the timings of the proposed mitigation measures (for SPA and Ramsar features) within the REAC, Natural England is concerned that these overlap with the breeding bird season and will therefore have the potential to adversely impact the underpinning SSSI in the absence of appropriate mitigation. Where there will be a consequential disturbance pathway on SSSI features as a result of the measures outlined within the REAC, additional avoidance and mitigation measures should be considered specifically with regard to any affected features of the SSSI.</p>	<p>Potential requirement for additional mitigation measures to be secured via the DCO once an assessment of any potential implications been undertaken.</p>	Amber
NE10	2.1.55, 2.1.56,	C	Natural England continues to progress the case for SSSI	Based upon our review of the DCO submission, the	Natural England's advice on matters to be secured within	Red

<p>2.1.50, 2.1.65, 2.1.68</p>			<p>notification in the Tilbury area. Whilst we have worked with National Highways to highlight particular areas of overlap with DCO boundaries, it is possible that additional areas may be included within a new SSSI boundary that have not yet been factored into the DCO submission. The Planning Inspectorate is referred to our earlier email updates of 7 August 2020 and 17 August 2022 on this matter. A further update is provided below.</p> <p>The case for SSSI notification in the Tilbury area focuses on terrestrial and aquatic invertebrates; breeding, passage and wintering birds; and vascular plants. Natural England has collated data from both our own surveys and third-party surveys (including Lower Thames Crossing) to progress the case, which is being reviewed by our specialists and indicates that the case for notification is strong. Some Lower Thames Crossing survey data has yet to be fully assessed by National Highways and is awaited (e.g., aquatic sampling from Summer 2022) which is relevant to our notification project.</p>	<p>following steps may be appropriate to bring the Environmental Statement up to date once the anticipated SSSI is notified:</p> <ul style="list-style-type: none"> - Adjustments to ecological receptor valuations, and therefore EIA assessment conclusions. - A review of whether additional avoidance, mitigation or compensation requirements may be necessary, in type or scale. - A review of the compatibility of the existing ecological compensation with anticipated new SSSI interest features. <p>Natural England remains committed to working closely with National Highways as SSSI notification work progresses, to seek to ensure that the LTC scheme fully takes account of the special interest of a new SSSI as it progresses through examination.</p>	<p>the DCO remains in progress, until our SSSI boundary and interest features are confirmed. Based on the range of interest features, specific measures seem likely to include:</p> <ul style="list-style-type: none"> - Seasonal timing restrictions to avoid disturbance to breeding bird assemblages. - Compensatory habitat creation in advance of loss of habitats where possible. - Re-instatement of habitats where temporarily affected. - Stand-off zones and pollution protection for retained habitats that may be indirectly affected by the project. - Adjustment to habitat management (e.g. OLEMP content) to integrate additional requirements and targets. 	
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			<p>We are currently preparing a draft boundary, to inform pre-notification discussion with landowners / occupiers, and other stakeholders. Although National Highways is not a landowner for these purposes, we will share this draft boundary with them as soon as possible.</p> <p>Natural England has liaised closely with National Highways over our respective project which have run in parallel for some time, to enable the LTC project to take into account an emerging SSSI where possible. Whilst we are pleased that this has resulted in some changes to the project, it is likely that some further amendments may be required based upon our specialist assessment since DCO submission (i.e. since October 2022).</p> <p>SSSI notification is approved by Natural England's Chief Executive and Board, and at the time of writing is proposed for June 2023.</p>			
NE11	-	B	<p>The Terrestrial Biodiversity chapter of the Environmental Statement at table 2.2 states that the Mucking Flats and Marshes SSSI lies 0m (within</p>	<p>Natural England recommends that clarification is provided on the apparent overlap of Order limits with the Mucking Flats and</p>	<p>If this is a textual inaccuracy at Table 2.2 we advise that this should be straightforward to remedy / clarify, unless there are direct impacts to this SSSI,</p>	Amber

			<p>Order limits). Paragraph 8.6.229 also comments that the SSSI lies 'immediately adjacent'.</p> <p>We note that in places the two boundaries lie close to each other, but Natural England was not previously aware that there was any direct overlap between the Order limits and the SSSI.</p>	<p>Marshes SSSI, and any impacts arising.</p>	<p>in which case further measures may be required.</p>	
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Table 2.3 Natural England’s detailed comments in relation to nationally designated landscapes

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project in order to enable assessment Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE12	2.1.9	B	<p>The Landscape character and visual impacts on the Kent Downs AONB and its setting</p> <p>Natural England does not endorse the direct loss of and impacts to the AONB. We have significant concerns regarding the treatment of the assessment of impacts on landscape character receptors and consideration of cumulative impacts.</p> <p>The existing transport infrastructure is well accommodated within the AONB, due to the success of the mitigation measures implemented for the Channel Tunnel Rail Link and the existing, significant woodland belt within the central reservation of the A2, both of which will be removed. The significantly widened transport</p>	<p>Natural England considers that further consideration of the design and mitigation measures in relation to the landscape impacts should be provided to ensure that the impacts are reduced as far as is technically possible given the high level of protection in the National Policy Statement for National Networks. Sections 5.152 and 5.153 detail that there is a ‘strong presumption against any significant road widening or the building of new roads... in Areas of Outstanding Natural Beauty’ and ‘Where consent is given in these areas, the Secretary of State should be satisfied that the applicant has ensured that the project will be carried out</p>	<p>Potential requirement for additional mitigation measures to be secured via the DCO once the further assessment has been undertaken and Natural England has reviewed these documents</p>	Amber

			<p>corridor will become much more prominent in the landscape and will adversely impact the character of this part of the AONB.</p> <p>Natural England is concerned that the Environmental Statement (ES) Chapter 7 Landscape and Visual (Application Document 6.1), together with Appendix 7.9 Schedule of Landscape Effects (Application document 6.3) appear to downgrade the nature, scale and significance of the impacts, including residual impacts, on landscape character and visual impacts of the Kent Downs AONB and its setting without sufficient justification.</p>	<p>to high environmental standards and where possible includes measures to enhance other aspects of the environment’.</p> <p>We would also recommend that a monitoring and feedback mechanism is secured should the proposed mitigation not be effective.</p>		
NE13	2.1.27	B	<p>Viewpoints, representations and consideration of impacts to receptors</p> <p>We do not consider, at present, that it is possible to fully assess the nature and scale of the impacts detailed within the Landscape and Visual Effects Assessments from the visualisations provided in the Environmental Statement Figures 7.16 to 7.19 which include Visual Effects Drawings with Representative Viewpoints and Photomontages</p>	<p>Additional visualisations and scaled cross-sectional drawings, which would then need to be assessed and considered as part of an updated/revised Landscape and Visual Impact Assessment should be provided</p> <p>Natural England reserves the right to provide further comments at the Written</p>	<p>Potential requirement for additional mitigation measures to be secured via the DCO once the further assessment has been undertaken and Natural England has reviewed these documents.</p>	Amber

			<p>(Application document 6.2).</p> <p>No cross sections or visual representations of the junction with the A2 from key views to and from the AONB appear to have been provided. We therefore recommend that further evidence should be provided in the form of cross-sectional drawings and additional photomontages of the junction with the A2 to allow a more complete assessment of the nature, scale and significance of these effects, for both the construction and operational phases, in the AONB and its setting.</p>	Representation stage following our review of any additional documents.		
NE14	2.1.29	O	<p>Residual impacts on the Kent Downs AONB</p> <p>Natural England remain of the opinion that a significant adverse residual landscape and visual impact in relation to the AONB will remain at year 15.</p> <p>Natural England recommends that the mitigation measures described in the Environmental Statement 6.1 Chapter 7 Landscape and Visual, 6.2 Figure 2.4 Environmental Masterplan and 6.7 Outline Landscape and Ecology</p>	<p>Natural England would welcome the opportunity to further discuss the design and nature of the landscape mitigation (including finishes to structures and street furniture), and subsequent reassessment of impacts, in order to reduce the significant adverse residual impact on the AONB.</p> <p>Natural England reserves the right to provide further comments at the Written Representation stage following</p>	Potential requirement for additional mitigation measures to be secured via the DCO	Amber

			<p>Masterplan are updated to detail how the residual impacts may be further reduced given the strong presumption against development in the AONB and the need for the scheme to be carried out to high environmental standards.</p> <p>Innovative and good practice design of green bridges, in line with the Landscape Institute's 2016 Green Bridges guidance and Natural England's Green Bridges: A Literature Review, for example, could significantly improve the experience for recreational users and help reduce the visual impacts.</p>	our review of any additional documents.		
NE15	2.1.32	O	<p>Tranquillity and Lighting</p> <p>Natural England remains concerned that there would be a reduction in tranquillity and people's enjoyment of the AONB during construction and after completion of the Project, from noise and increased lighting and broader urbanising effects. Natural England is also concerned that there would be very limited, if any, noise attenuation for users of the green bridges.</p> <p>Natural England is disappointed by the apparent lack of assurance by the</p>	<p>Natural England recommends that a stronger commitment to ultra-low noise surfacing and mitigation for lighting throughout the lifetime of the road is provided by the applicant.</p> <p>Natural England reserves the right to provide further comments at the Written Representation stage following our review of any additional documents.</p>	Potential requirement for additional mitigation measures to be secured via the DCO	Amber

			<p>applicant to address these concerns. There remains no commitment to securing low noise road surfacing in perpetuity. Natural England consider that as and when conditions on the road network may change, or maintenance is required, the DCO should ensure that replacement surfaces should have an equal to or better noise-reduction qualities to those installed at initial construction in order to maintain noise attenuation in perpetuity.</p> <p>We also remain concerned regarding the consideration of light pollution in relation to the AONB and its setting and seek stronger commitments to mitigate such impacts.</p>			
NE16	2.1.35	O	<p>Brewers Lane and Thong Lane (South) Green bridges</p> <p>Natural England remain unclear how objectives for the green bridges as described in Environmental Statement 6.1 Chapter 7 Landscape and Visual, 7.4 Project Design Report Part C Design Rationale and in 7.6 Outline LEMP are to be met, given the bridges designs, as currently proposed in the visualisations in 6.1 Environmental</p>	<p>Natural England considers that a stronger focus on the habitat connectivity across the entire transport corridor and delivery of a high quality, semi-natural rural lane feel recreational users should be delivered in order to achieve the objectives of enhanced ecological and landscape connectivity for the benefit of wildlife and people.</p>	<p>Potential requirement for redesign of bridges to be secured via the DCO</p>	<p>Red</p>

		<p>Masterplan, Figure 2.4 (Section 1, Sheet 3 and Section 2, Sheet 1) and ES 6.2, Figures 7.16 to 7.19 which include Visual Effects Drawings with Representative Viewpoints and Photomontages, do not appear to provide a high quality, landscape scale, connected habitat for people and wildlife.</p> <p>As these represent the main landscape mitigation opportunity for people recreating within the AONB (sensitive visual receptors), Natural England remain disappointed that a more holistic, exemplary approach to the bridges' design has not been taken in order to help further reduce the large visual impacts to the AONB and its setting.</p>	<p>Natural England reserves the right to provide further comments at the Written Representation stage following our review of any additional documents.</p>		
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Table 2.4 Natural England’s detailed comments in relation to protected species

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project in order to enable assessment Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE17	2.1.71	B	Bats The applicant has shared the updated draft protected species licence application with Natural England in late January 2023. Once reviewed, Natural England will provide updated advice in our Written Representations and/or updated Statement of Common Ground	Natural England reserves the right to provide further comments at the Written Representation stage following our review of the draft licence application	-	Amber
NE18	2.1.72	B	Dormice The applicant has shared the updated draft protected species licence application with Natural England in late January 2023. Once reviewed, Natural England will provide updated advice in our Written Representations and/or updated Statement of Common Ground	Natural England reserves the right to provide further comments at the Written Representation stage following our review of the draft licence application	-	Amber
NE19	2.1.74	B	Great crested newts The applicant has shared the updated draft protected species licence application	Natural England reserves the right to provide further comments at the Written Representation stage	-	Amber

			with Natural England in late January 2023. Once reviewed, Natural England will provide updated advice in our Written Representations and/or updated Statement of Common Ground	following our review of the draft licence application		
NE20	2.1.75	B	Water voles The applicant has shared the updated draft protected species licence application with Natural England in late January 2023. Once reviewed, Natural England will provide updated advice in our Written Representations and/or updated Statement of Common Ground	Natural England reserves the right to provide further comments at the Written Representation stage following our review of the draft licence application	-	Amber

Table 2.5 Natural England’s detailed comments in relation to ancient woodland and veteran trees

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project in order to enable assessment Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE21	2.1.8	B	<p>Natural England does not endorse the loss or damage to ancient woodland and veteran trees resulting from the proposal along the route.</p> <p>The quantum of habitat creation to offset the loss of ancient woodland is currently unclear within the Environmental Statement. For example, as detailed within issue reference NE07 above regarding impacts to the Shorne and Ashenbank Woods SSSI it is unclear whether the SSSI compensation and woodland planting areas for impacts to ancient woodland detailed within Sections 8.6.9 and 8.6.63 of the Environmental Statement overlap or are separate.</p>	<p>Natural England recommends that the applicant provides a greater degree of clarity on the area of habitat creation and its functionality to offset the impacts of the development, should the Secretary of State be minded to grant consent for the proposal. This needs to clearly separate out the areas that are being delivered for ancient woodland impacts from the habitat loss within the Shorne and Ashenbank Woods SSSI.</p> <p>Such information is required to ensure that requirements of Section 5.32 of the National Policy Statement for National Networks</p>	<p>Natural England recommends that a clear plan detailing the areas of habitat to be created for ancient woodland, including the areas, is provided. This should separate out the areas that are being provided to compensate for the direct loss of habitat from the Shorne and Ashenbank Woods SSSI from the wider ancient woodland.</p>	Amber

Table 2.6 Natural England’s detailed comments in relation to national trails including the England Coast Path

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> • Further details about the project in order to enable assessment • Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE22		B	<p>Natural England notes that a number of public rights of way will be impacted, either on a temporary or permanent basis as a result of the project. These include the England Coast Path at Tilbury. The route in this area was approved by the Secretary of State in November 2020. Where developments, such as the Lower Thames Crossing, affect the England Coast Path, the National Trail should be protected and enhanced with any changes to the route requiring a Variation Report approved by the Secretary of State. It is unclear from document 6.1 Environmental Statement Chapter 13 – Population and Human Health and accompanying appendices, how the impacts to the England Coast Path have been fully mitigated</p>	<p>Natural England will seek to work collaboratively with the applicant to further understand their proposals for the National Trail during construction and operation.</p>	<p>Amendments to the documents may be required.</p>	Amber

			<p>during both the construction and operational phases of the project.</p> <p>During the construction and operational phases, the connectivity of the National Trail should be maintained. Any temporary route suggested should also be suitable (safe and accessible) for significant pedestrian traffic.</p>			
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Table 2.7 Natural England’s detailed comments in relation to habitats and species of principal importance

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project in order to enable assessment Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE23	2.1.44	B	<p>The project will result in the loss of 1.14ha of acid grassland (a priority habitat type). This figure has been clarified to us by the applicant as we understand that the Environmental Statement contains errors leading to uncertainties in understanding the impacts of the project. The habitat is under-valued at only ‘county’ level, and therefore the EIA conclusions should be reviewed</p> <p>The three acid grassland sites suffering direct losses are Low Street Pit (0.61ha), Blackshots Nature Reserve (0.17ha) and Mucking Heath LWS (0.36ha).</p> <p>Mucking Heath in particular is described within the ES Terrestrial Biodiversity chapter table 8.20 as comprising of ‘ancient’ habitats, and Low</p>	<p>Further discussions are needed to bring clarity around the habitat loss:gain figures, and the feasibility of recreating the specific structural aspects of TTG to achieve an acceptably high level of compensation.</p> <p>The Design Principles do not appear to cover this area of the project (see section 5.5) and the OLEMP appears to defer much of the methodology to the post-consent advisory group (see section 8.27 LE8.6 ‘acid grassland soil salvage’).</p>	<p>Revised valuation of priority habitat with likely unique properties.</p> <p>Justification of the compensation ratio, and arguably increasing this to account for delivery risk.</p> <p>A Technical Note explaining in more detail how delivery will be achieved.</p>	Amber

			<p>Street Pit supporting 'Thames Terrace Gravel Grassland' with an associated high value invertebrate fauna.</p> <p>Natural England is concerned regarding the ability of the proposed translocation to replicate the soil structure of the donor sites, leading to uncertainties in the likelihood of success and therefore whether the compensation ratio of ~4:1 is appropriate in reflecting the uniqueness of Thames Terrace Gravel grasslands in particular, and the likely long-established nature of the grasslands affected.</p> <p>Natural England has requested further details regarding the soil testing at the Coalhouse Fort receptor site, and to understand in more detail how the target habitat will be achieved.</p>			
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Table 2.8 Natural England’s detailed comments in relation to other habitats and species of conservation concern

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> • Further details about the project in order to enable assessment • Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE24	2.1.35, 2.1.36 2.1.37	B	<p>Given the significant increased severance of habitat along the route, Natural England considers that there is significant opportunity for sensitive, well-designed green bridges to help reduce the landscape and ecological impacts associated with the scheme. Such an approach will help to future proof and build resilience across the landscape for people and nature allowing connectivity and movement. In their current form, the habitat and landscape benefits for some of these appear limited.</p> <p>For example, with the widened A2 and adjacent local roads within the Kent Downs AONB, landscape scale connectivity for people and nature should be a key mitigation measure integral to the design of the</p>	<p>Natural England recommends that a more holistic, landscape scale approach to link important habitats for people and wildlife is included within the scheme. This will help to reduce the significantly greater habitat and landscape severance from the current situation and the increased visual impact for recreational users within the Kent Downs AONB.</p>	<p>We recommend that a stronger commitment to high quality green bridges providing true landscape scale connectivity is secured through the DCO process.</p>	Red

			<p>project.</p> <p>For the Thong Lane South and Brewers Road green bridges, the habitat connectivity is limited due to existing or realigned local roads. The green elements of the Thong Lane South bridge do not cross Thong Lane to the south of the A2 nor the High Speed 1 rail line so their value in providing habitat connectivity for people and nature is impeded. Their current design for people does not reflect the rich landscape that they sit within and should be much more visionary in their design to reflect the important landscape they sit within and the significant opportunities to reduce impacts to recreational users and species.</p>			
NE25	2.1.48 & 2.1.99	C	<p>Natural England is concerned that the nitrogen deposition compensation sites have not been subject to detailed ecological surveys to fully inform their suitability for air quality compensation. For example, some sites identified for nitrogen deposition air quality compensation appear to hold potential to be high quality invertebrate habitats. The suitability for the submitted purpose of a</p>	<p>The OLEMP (or other suitable document) should include a requirement for invertebrate survey to inform the NDep works at the Buckingham Hill site, which could be at a post-consent stage.</p>	<p>Potential need for amendments or additions to the DCO and securing documents</p>	Amber

			<p>primarily wooded habitat may not therefore be fully compatible and further survey work is needed. Natural England recognise that the NDep compensation could comprise a variety of potentially compatible habitat types, and flexibility to adjust target habitats appears to be built into the OLEMP at section 6.11 (e.g. para 6.11.5), however in our opinion more detailed survey work is needed to fully inform the decisions made.</p>			
NE26	2.1.49 & 2.1.54	C	<p>The use of Pulverised Fuel Ash (PFA) for invertebrate compensation is welcomed but lacks sufficient commitment to ensure this important substrate is given prominence in the proportion it is used. The OLEMP describes the 'open mosaic habitat' typology at section 8.22 (coded LE8.1). At paragraph 8.22.7, OMH is said to comprise 50% low nutrient, free-draining grassland, of which only 10% will be PFA (meaning only 5% of the total area of OMH habitat created). In our opinion, this proportion is too low, and a higher amount should be committed to by the project.</p> <p>PFA provides a high value</p>	Adjustments to the OLEMP to increase the proportion of PFA used in open mosaic habitat creation is sought.	Potential need for amendments or additions to the DCO and securing documents	Red

		<p>substrate for nationally important invertebrate assemblages and is unique in its physical and chemical properties. It is no longer produced (therefore irreplaceable) and is actively being re-purposed for construction uses (therefore diminishing). PFA is also a locally characteristic habitat-base for the invertebrate assemblages in the vicinity of the LTC scheme. In our opinion, PFA makes a significant contribution to the importance of the Tilbury area for wildlife, and can equally perform a vital contribution to nature recovery within this landscape. A greater commitment by the project to its deployment at scale as part of OMH habitat creation is therefore expected.</p> <p>The restoration plan linked with permission 17/00412/FUL, although high level, indicates green corridors which would comprise exposed PFA based habitats alongside the ditch network. It is not clear from the submission how the proportion of these PFA-based habitats has factored into the submitted design. This area of PFA-based habitats should form an absolute minimum but the LTC</p>			
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			scheme has the potential to make a much more ambitious contribution to nature recovery by re-purposing greater volumes of PFA.			
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Table 2.9 Natural England’s detailed comments in relation to biodiversity net gain

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> • Further details about the project in order to enable assessment • Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE27	2.1.22 2.1.23	B	Natural England supports the aspiration for the project to deliver biodiversity gain and are continuing to work with the applicant to understand the calculations and opportunities for delivering biodiversity opportunities.	-	Potential requirement for additional measures to be secured via the DCO	Amber

Table 2.10 Natural England’s detailed comments in relation to cross cutting issues

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> • Further details about the project in order to enable assessment • Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE28	N/A	B	<p>Significance of receptor Natural England is concerned that the value of key receptors within the Environmental Statement appear to have been downgraded when assessing the scale of impact. For example, the ornithological interest within the South Thames Estuary and Marshes SSSI is considered to be important at the County Level (Table 8.16, Chapter 8 Terrestrial Biodiversity). Similarly, the aquatic macro-invertebrates and macrophytes associated with the Ramsar site (a wetland of international importance) are also considered to have a conservation importance at the county level. Given the national and international importance of these sites, Natural England considers that the reduction in value of these resources has the potential to</p>	<p>Natural England recommends that greater justification for any deviation from the nationally agreed importance values assigned to biodiversity receptors is provided and, where appropriate, an updated assessment of the impact significance undertaken. If the review results in greater impacts, then further avoidance and mitigation measures may be required.</p>	<p>Potential requirements for updates and additional mitigation measures to be secured via the DCO</p>	Amber/Red

			<p>reduce the significance of the impact reported within the Environmental Statement.</p> <p>In addition, the Design Manual for Roads and Bridges (Table 3.9, Biodiversity Chapter LA108) indicates that (amongst others) habitats and species considered a national priority for conservation including habitats or principal importance and irreplaceable habitats should be valued as being on national importance. However within the Environmental Statement, these habitats are valued variously from county through to national importance.</p>			
NE29	2.1.21	B	<p>Indicators of success</p> <p>Natural England welcomes the 'Outline measures of success for the various mitigation/compensation habitats detailed within the Outline Landscape and Environmental Management Plan. These however appear to focus primarily on the habitat and target National Vegetation Classification typology. A functioning, biodiversity rich habitat is a complex ecosystem and Natural England strongly advocates a more holistic indicators of success approach used on</p>	<p>Natural England recommends that a greater commitment to monitor the effectiveness of the mitigation and compensation for biodiversity and landscape impacts is provided to ensure that the scheme delivers its objectives and that ecologically functioning, landscape scale habitat is delivered.</p>	<p>Potential requirement for project updates and additional measures to be secured via the DCO</p>	<p>Amber/Red</p>

			<p>other Highways Schemes such as the A21 Pembury to Tonbridge Dualling.</p> <p>Such an approach provides an assessment of the habitat establishment but also the colonisation of the site by species which the habitat should support through monitoring a broad range of target species groups (including plant, bird, invertebrate, mammal and herpetofauna). This allows direct comparison with similar habitats in the vicinity of the development to ensure that the mitigation and compensation measures achieve their objectives whilst also facilitating a feedback mechanism for remedial actions should the habitat not be meeting its objectives.</p>			
NE30	2.1.98 2.1.99	B	<p>N Dep mitigation areas</p> <p>Natural England is broadly supportive of the measures that the applicant is proposing to manage air quality impacts to habitats through the creation of grassland/scrub/woodland mosaic.</p> <p>We acknowledge that not all of these areas have been fully surveyed for their existing environmental interest and as</p>	Further environmental surveys and, where required, updated mitigation measures may be required.	Potential revisions to the DCO and supporting documentation may be required.	Amber

			such, further mitigation measures may be required.			
NE31	N/A	B	<p>Mitigation measures Natural England is concerned that a number of the securing mechanisms for necessary mitigation measures do not provide a sufficient degree of certainty in relation to their delivery at present. In addition, there are a number of caveats throughout the application detailing that key mitigation measures will be delivered 'where reasonably practicable', for example.</p> <p>This combined with a significant amount of detail on the mitigation and compensation measures being deferred to the detailed design stage provides a degree of uncertainty that the mitigation and compensation measures will be delivered and achieve their aims.</p>	Natural England recommends that a higher level of certainty around the ecological and landscape mitigation measures that need to be implemented is provided at this stage to give confidence that the assessment of impacts and effectiveness of mitigation measures are robust.	Potential requirement for project updates and additional detail on how the mitigation measures are to be secured via the DCO	Amber
NE32	2.1.2	B	<p>Role of the Advisory Group Natural England supports the principle of the Advisory Group to guide the refinement of the mitigation measures, should consent be granted, but continues to have concerns regarding the role and governance of the group.</p>	Natural England recommends that further discussion with all parties continues to try and reach agreement on the scope and terms of reference for the Advisory Group.	Potential requirement for project updates and additional measures to be secured via the DCO	Amber

			Natural England is also concerned with the significant amount of detailed mitigation/discussion which is being deferred to the post consent stage and the burden this will place on stakeholders such as ourselves.			
NE33	2.1.38 2.1.39 2.1.43 2.1.54 2.1.90	B	Design principles Natural England broadly supports the design principles but has a number of areas of concern regarding the level of detail provided and how these will deliver the required landscape and ecological mitigation for the scheme given the deferral of significant details to the post consent, detailed design stage.	-	Potential requirement for project updates and additional measures to be secured via the DCO	Amber

Table 2.10 Natural England’s detailed comments in relation to the Development Consent Order

Natural England key issue ref.	Natural England SoCG reference - if applicable	Issue summary Construction phase (C) Operation phase (O) or Both (B)	Natural England commentary and advice on: <ul style="list-style-type: none"> Further details about the project in order to enable assessment Further evidence or assessment work required 	Natural England comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red/Amber/ Green
NE34	2.13	B	<p>Natural England does not agree with the applicant’s approach to disapply our powers under Sections 28E and H of the Wildlife and Countryside Act 1981 as proposed within Part 7, Paragraph 53 of the Development Consent Order.</p> <p>Given Natural England’s work to progress a SSSI notification in Essex and the compensatory habitat provision for direct loss of the Shorne and Ashenbank Woods SSSI in Kent, the disapplication of the Wildlife and Countryside Act would allow the applicant to undertake works without the need for Natural England to be consulted despite a full consideration of the potential impacts being provided within the application documents.</p>	-	Natural England considers that this should be removed from the Development Consent Order.	Red

			<p>The applicant is seeking to defer significant levels of detail to the detailed design stage with limited information within the Environmental Statement. The Advisory Group will go some way to help manage these risks. However, Natural England does not consider it appropriate to disapply our Section 28 role to ensure the maintenance of the SSSIs and broader series. Such an approach of not disapplying Natural England's S28 responsibilities was supported by the Examining Authority for the A417 Missing Link scheme (NSIP reference TR010056).</p>			
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