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Our ref: 437412
Your ref: TR010032



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By email only, no hard copy to follow

Dear Mr Smith

**Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing
Natural England's response to Procedural Deadline C**

As requested within your letter of the 25 April 2023, Natural England is pleased to provide our advice below in relation to Procedural Deadline C. For ease, I have provided these under the headings within Item 5 of Annex D to the letter of the 25 April.

1. Post event submissions, including written submissions of oral comments made at the Preliminary Meeting part one

As Natural England did not attend the Preliminary Meeting, we have no post-event submissions to provide.

2. Written submissions on Examination procedure, including responses to matters raised orally at the Preliminary Meeting part 1

Natural England welcomes the clarity provided within the draft Examination Timetable (Annex D) which we acknowledge will be challenging given the scale and nature of the project and volume of asks. To ensure we can provide timely, helpful advice to the Examining Authority at all appropriate stages of the Examination, Natural England supports the requests made by several parties at the Preliminary Meeting part 1 for agendas for the Issue Specific Hearings to be shared as far in advance of the meetings as possible, and ideally two weeks prior to the session.

We would also appreciate greater clarity being provided in the finalised Examination Timetable of the likely topics (from those within the Assessment of Principal Issues, Annex B) that will be discussed at each of the Issue Specific Hearings. This will allow us to help ensure that our specialists are available to provide advice to the Examining Authority.

Should the Examining Authority decide that air quality impacts to designated nature conservation sites are one of the matters for a Hearing, we would much prefer that this is scheduled outside of the October dates proposed (16-24 October) as these fall within pre-booked leave for our specialists, and would significantly hamper our ability to provide advice on this topic.

Natural England welcomes, and has reviewed the topics detailed within Annex B (Initial Assessment of Principal Issues); whilst we acknowledge that this list is not exhaustive, we would welcome the addition of some further topics to more fully reflect the areas detailed in

our Relevant Representations and the submitted Statement of Common Ground which are as follows:

- Principal Issue 5 Air Quality
Natural England would support the inclusion of the ecological implications of air quality to be a matter considered during the examination.
- Principal Issue 12 Physical effects of development and operation
In addition to the consideration of visual impacts and severance, Natural England would support the inclusion of landscape character to be one of the principal issues, given the scheme falls within the Kent Downs Area of Outstanding Natural Beauty.
- Principal Issue 13 Social, economic and land-use considerations
Natural England would support the inclusion of walkers, cyclists and horse riders as an issue to be considered within the Examination. Whilst we are generally supportive of opportunities for people to engage with the natural environment and the public rights of way network is a key component of this, we are however concerned that the potential impacts of some of the specific measures proposed by the applicant have not been fully assessed within the application as detailed in our Relevant Representations and Statement of Common Ground.

3. Request to be heard orally at the Preliminary Meeting part 2

I can confirm that Natural England does not wish to speak at the Preliminary Meeting part 2, timetabled for the 20 June 2023.

4. Requests to be heard orally at any of the examination hearings notified at Annex E to your letter of the 25 April

I can confirm that Natural England does not wish to speak at one of the three open floor hearings or Issue Specific Hearings 1 (Project Definition) and 2 (the draft Development Consent Order), based upon the currently available meeting information and the summary details you provided during the Preliminary Meeting part 1. We are however likely to provide comments on topics related to the Project and Development Consent Order in our written representations and may wish to discuss these at any future Issue Specific Hearings, where appropriate.

5. Comments by Interested Parties on the Applicant's proposed accompanied site visit itinerary

In relation to the Applicant's proposed site visit itinerary for Day 1 (south of the Thames), Natural England considers that additional locations from key viewpoints within the Kent Downs Area of Outstanding Natural Beauty may be beneficial to help the Examining Authority consider the landscape implications of the scheme. Whilst it is understandable that the details of the site visit locations are limited in detail of the route and public rights of way that are to be followed at this stage, we would support locations both north and south of the A2, within the Kent Downs AONB and its setting, to be included for the accompanied site visits, particularly those where significant landscape impacts are predicted during construction and operation. These could, for example, include viewpoint S-03 in addition to the visits proposed to overbridges at Park Pale, Brewers Road and Thong Lane along the A2. The inclusion of additional locations may help to provide a fuller understanding of the landscape implications of the project. Such an approach appears to be supported by the Applicant's commentary within their site visit itinerary which, in Section 1.1.5, details that the location of the visits have been selected to include 'Sites and locations at which the Applicant has predicted likely significant environmental effects'.

In relation to the proposed additional site visits, Natural England suggests that, as part of the Day 2 (North) ASI, it would be beneficial for the Examining Authority to walk the complete length of footpath 200 between Coalhouse Fort and Station Road through the area of dense

scrub at Bowaters. The Examining Authority's Note of an Unaccompanied Site Inspection (USI) for Day 1 (Map 1)¹ suggests that although Footpath 200 was visited during the Unaccompanied Site Visit on 13 February 2023, the full length of the footpath was not visited (the green line is not continuous along Footpath 200 on the USI map). It seems to be the case to Natural England that the Examining Authority has not directly viewed the area of dense scrub of high value to breeding birds, and in our opinion it would be beneficial for it to do so. The footpath through this area of dense scrub forms a 'tunnel effect' which allows the user to experience this important habitat at close quarters, and if timed appropriately, rich bird song including of characteristic species such as nightingale. Natural England expects to make fuller reference to this area, and the concern regarding the upgrade of Footpath 200 to a bridleway, in our Written Representations.

I hope these comments are helpful.

Yours sincerely

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¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-002076-20230213~15_USI-02_Note_v1.pdf