



**Written Representation  
of the  
Kent Downs AONB Unit**

**APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER  
GRANTING DEVELOPMENT CONSENT FOR THE**

**LOWER THAMES CROSSING PROJECT**

**Submission Deadline 18<sup>th</sup> July 2023**

**KENT DOWNS AONB UNIT - Unique Ref 20035310**

**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.

## SUMMARY

The Project impacts on land within the Kent Downs AONB, as a result of major proposed works to the A2 for a length of approximately 2km as it passes through the AONB and also on the setting of the AONB immediate setting, due to the proximity and scale of the new road leading to the tunnel and multi-level junction connecting the proposed link road to the A2.

National policy is clear that major development, including major road building/widening should be refused consent in AONBs, except in exceptional circumstances and where it can be demonstrated that it is in the public interest to do so. Assessment of this includes a requirement to consider alternative solutions that do not impact on the designated area. The AONB Unit considers that alternative routes at locations A, B and E that avoided AONB impacts were discounted too readily and before the impacts on the AONB were known. AONB impacts only became apparent once the route choice was finalised with the need to increase the capacity of the A2 and relocate utilities adjacent to it, requiring the widening of a 2 km section of the A2 through the AONB with associated loss of Ancient Woodland and SSSI habitat. It is also the view of the AONB Unit that alternative options for relocating utilities which would have less impact on the AONB have been too readily discounted.

Impacts to the AONB arising from the Project 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, to provide 4 lanes of traffic in each direction plus hard shoulders and the creation of new, two lane connector roads provided on either side of the realigned A2, increasing the width of the highway to 21 lanes at its western end, resulting in the erosion of the landscape and visual quality of the AONB.
- The removal of extensive areas of existing vegetation along the A2, including a belt of mature trees that currently separates and screens the east and west bound carriageways from each other and loss of mature trees from both sides of the highway including removal of establishing vegetative mitigation for HS1, opening up views of the transport corridor and reducing the current wooded context within which it sits.
- Relocation of utilities adjacent to the A2 carriageways, resulting in inability to provide replacement planting along the utility corridor, 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.
- Direct loss of ancient woodland, and loss of habitat from the woodland within Shorne Wood SSSI.
- 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.
  
- Indirect impacts including:
  - traffic displacement impacting on roads elsewhere in the AONB, resulting in tranquillity impacts from noise and lighting and a shift in traffic heading southwards into Kent, including Dover Port and Channel Tunnel traffic, with increase in traffic using the A229 (Bluebell Hill) and choosing the M2/A2 over the M20 and subsequent likely requirement for increased capacity to be provided on major routes within the AONB that link the M2 and M20, such as the A229, Bluebell Hill and A249;
  
  - impacts to the biodiversity rich habitats of the AONB as a result of nitrogen deposition with a lack of equivalent compensation sites proposed in the AONB.

The Kent Downs AONB Unit considers that the impacts from the Project on the AONB are underestimated in many instances in the Environmental Statement, Chapter 7, as well as in the Planning Statement and its Appendix F. It is notable that the assessed level of impacts are downgraded, significantly in some instances, from the Environmental Statement accompanying the 2020 DCO submission and the current version, despite no significant change in the scheme and with no justification for the change provided in assessment.

In the event of the principle of the Project being found acceptable, the AONB Unit is concerned that much of the detail of the scheme is proposed to be deferred to the post consent 'detailed design stage'. While it is proposed to use Control Documents to help secure appropriate design and mitigation, we have concerns that the documents are not sufficiently robust in their requirements and leave too much discretion to the appointed contractor(s) which could have significant detrimental consequences. It is not considered appropriate to defer so much detail given the need for an exceptionally sensitive and well-designed scheme south of the river due to the site's location within and adjacent to the nationally protected Kent Downs AONB.

It is also the view of the AONB Unit that the beneficial effects of proposed mitigation are overstated in the submission and that the proposed mitigation and environmental enhancement package within the AONB fall short of what is required and do not adequately moderate the significant levels of harm identified to the Kent Downs. Should the principle of the Project be found acceptable, it is considered that additional mitigation measures at a landscape scale need to be provided within the AONB. Commitments to compensation for harm to the special qualities of the AONB also need to be secured, in line with requirements of the Kent Downs AONB Management Plan and to help ensure compliance with national policy requirements for conservation and enhancement of the AONB.

## 1. INTRODUCTION

1.1 This Written Statement has been prepared by Katherine Miller, Planning Manager at the Kent Downs AONB Unit. I have an Honours degree in City and Regional Planning and a post graduate Diploma in Town Planning. I have been a Member of the Royal Town Planning Institute for over 25 years. I have been employed at the Kent Downs AONB Unit as the Planning Manager since May 2015 and was previously Deputy Team Leader of the Development Management Section at Canterbury City Council.

1.2 The Kent Downs AONB Unit is employed by Kent County Council and works on behalf of the Kent Downs Joint Advisory Committee (JAC) to carry out the preparation and review of the AONB Management Plan, to advocate its policies and work in partnership to deliver a range of actions. The JAC was established in 1997 and is at the heart of the Partnership. JAC Membership includes the twelve local authorities within the Kent Downs AONB, including Kent County Council and Gravesham and Maidstone Borough Councils and Natural England. Additional advisory members include the Environment Agency, Country Land and Business Association, the National Farmers Union, Kent Association of Local Councils and Action with Communities in Rural Kent. This Statement is from 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.

## 2. THE KENT DOWNS AONB

2.1 Areas of Outstanding Natural Beauty are a nationally important and protected landscape that have the same status in planning terms as National Parks and represent just 18 per cent of the land area of England and Wales.

2.2 The Kent Downs AONB was designated in 1968 and comprises the eastern half of the North Downs ridge of chalk stretching from Farnham in Surrey to the English Channel. The western half of the North Downs ridge lies within the Surrey Hills AONB. The AONB covers 326 sq. miles and apart from a small area within the London Borough of Bromley, the AONB lies wholly within the county of Kent and covers around 23% of the county. It is the eighth largest AONB in the Country.

2.3 When the Kent Downs were confirmed as an AONB, the overall remarks of the designation committee were summarised as:

*“ The scarp slopes and dry valleys of the Kent downs are the main target for designation, particularly where they retain a downland character, that woodlands are highly valued throughout the designated area and particularly on the scarp slopes and dry valley sides and that other qualities of note are views from the escarpment, pastoral scenery, parklands, villages, churches and castles.”*

2.4 The rich landscape of the Kent Downs AONB is made up of diverse special characteristics and qualities which together distinguish it as a landscape of national and international importance and which are consistently identified and valued by the public, individuals, institutions, organisations and experts alike. The special characteristics and qualities of the Kent Downs natural beauty have been identified as:

**Dramatic landform and views** – This is one of the most striking features of the Kent Downs. South-facing steep slopes (scarps) of chalk and greensand, hidden dry valleys, broad and steep-sided river valleys and the iconic white cliffs around the Dover coast are some of the dramatic landforms to be seen within the Kent Downs. Breath taking, long-

distance panoramas are offered across the Kent Downs. The dip slope dry valleys and river valleys provide more intimate and enclosed vistas. The character of the Kent Downs is much valued; it arises from a distinctive, recognisable and pattern of elements in the landscape that make the Kent Downs particular and special as well as significant nationally and internationally.

**Biodiversity-rich habitats** - The unique landscapes of the Kent Downs create and contain a rich and distinctive biodiversity providing a home to many plants and wildlife including several species that are largely or wholly confined to the Kent Downs. Habitats found in the Kent Downs include chalk grassland, woodlands (ancient woodland, veteran trees and wood pasture), traditional orchards and cobnut plats, chalk cliffs and the foreshore, chalk rivers and wet pasture, ponds and heathland.

**Farmed landscape** – A long-established tradition of mixed farming has helped create the natural beauty of the Kent Downs. The pastoral scenery is a particularly valued part of the landscape and farming covers around 64% of the AONB. Expansive arable fields are generally on the lower slopes, valley bottoms and plateaux tops. Locally concentrated areas of orchards, cobnut plats (nut orchards), hop gardens and other horticultural production are also present, their regular striate form can enhance the rise and fall of the land, increasingly widespread vineyards add to this ordered character.

**Woodland and trees** - The Kent Downs is one of Britain's most wooded landscapes and it covers over 20% of the AONB (17,579ha). It is the second largest land-use after farming and is a vital component of the natural beauty of the Kent Downs. Almost 70% of the Kent Downs woodlands are ancient woodland. The highest woodland concentrations in the AONB are found on the Greensand Ridge between Sevenoaks and Tonbridge, along the chalk escarpment in West Kent, in the mid Kent Downs, above the Stour Valley and in areas of the East Kent Downs plateaux. The type of ancient woodland varies across areas and depends on the soil type. Lowland beech and yew woodland are particularly distinctive in the Kent Downs and is of European significance.

**Historic and cultural heritage** - Millennia of human activity have created an outstanding cultural inheritance and strong 'time depth' to the Kent Downs. In the original designation the characteristic villages, churches and castles are particularly noted and the historic settlement pattern remains an important distinctive component of the AONB. There are the remains of Neolithic megalithic monuments, Bronze Age barrows, Iron Age hill-forts, Roman villas, roads and towns, medieval villages and hamlets focused on their churches, post-medieval stately homes with their parks and gardens and historic defence structures from Norman times to the twentieth century. Fields of varying shapes and sizes and ancient wood-banks and hedges, set within networks of droeways and sunken lanes have produced a rich historic mosaic, which is the rural landscape of today. Architectural distinctiveness is ever present in the scattered villages and farmsteads and oast houses, barns and other characteristic agricultural buildings, farmsteads, churches and historic country houses. The diverse range of local materials used, which includes flint, chalk, ragstone, timber, brick and peg tile, contributes to the character, colour, tone and texture of the countryside.

**Geology and Natural resources** - The way the landscape of the Kent Downs looks and the habitats and wildlife it supports are based its underlying geology. A large proportion of the Kent Downs is based on chalk which leads to vibrant and colourful chalk grassland where orchids and other chalk-loving plants thrive. This is also the basis for the considerable natural capital and natural resources which benefit society. These include the soils which support an important farming sector and can sequester carbon; soil represent and is important biodiversity resource in its own right. The water and the water resources which

support rivers teeming with wildlife and offering enchanting landscapes. Hidden below the chalk is a significant aquifer providing 75% of Kent's drinking water and feeding the much valued chalk streams of the Downs. Fresh, clean air is experienced across the AONB and the vegetation patterns of the Downs are effective at removing air pollution.

**Tranquillity and remoteness** - Much of the AONB provides surprisingly tranquil and remote countryside – offering dark night skies, space, beauty and peace. Simply seeing a natural landscape, hearing birdsong, seeing and hearing the sea, watching stars at night or 'bathing' in woodland are much valued perceptual qualities of the AONB.

**Heritage Coasts** - The Heritage Coasts either side of Dover, include the shoreline, cliffs and adjacent downland. The White Cliffs form part of the Country's national identity and display internationally important geological exposures and form a soaring land and seascape of vast horizons of sea and sky extending westwards to the subtle crumbling Greensand and Clay cliffs of Folkestone. The wildlife of the Heritage Coasts is internationally important, the clifftops consisting of nationally important chalk grassland and scrub, the cliff-faces supporting important breeding sea bird colonies including Fulmars, Rock Pipits, Lesser-black backed Gulls and the only Kent population of Kittiwakes. Seabirds wheeling high in the sky connect the sea and sky

### **3. RELEVANT NATIONAL AND LOCAL POLICY**

#### **The CRoW Act 2000**

3.1 The primary legislation relating to AONBs is set out in the Countryside and Rights of Way Act 2000 (CRoW Act). This confirms at Section 82 that the primary purpose of AONBs is the conservation and enhancement of the natural beauty of the area.

3.2 The Act provides, at Section 85, that all Statutory Undertakers and public bodies, which includes both central and local government as well as National Highways, shall have regard to the purposes of AONB designation in the carrying out of their functions i.e. the conservation and enhancement of the natural beauty of the landscape. This 'Duty of Regard' set out in the CRoW Act applies not just in respect of proposals within AONBs, but also to public bodies in exercising their functions "so as to affect" land in an Area of Outstanding Natural Beauty, so is also applicable to the setting of AONBs.

3.3 This is confirmed in the national Planning Practice Guidance which provides further amplification on setting, revised 21 July 2019. At Paragraph: 042 Reference ID: 8-042-20190721, it is recognised that land with the setting of an AONB often makes an important contribution to maintaining their natural beauty and that development within settings will need sensitive handling that takes potential impacts into account.

#### **National Policy Statement for National Networks**

3.4 The National Policy Statement for National Networks (published December 2014) sets out the need for and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPS) on the national road and rail networks in England.

3.5 Paragraph 5.147 requires statutory undertakers undertaking works within or affecting an AONB to comply with duties set out in Section 85 of the Countryside and Rights of Way Act and at paragraph 5.148 it is stated that for significant road widening or the building of new roads in AONBs, applicants need to fulfill the requirements set out in Defra's English National Parks and the Broads: UK Government Vision and Circular 2010.

3.6 Paragraph 5.150 of the Statement specifies that *“Great weight should be given to landscape and scenic beauty in nationally designated areas. National Parks, the Broads and Areas of Outstanding Natural Beauty have the highest conserving status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the Secretary of State has a statutory duty to have regard to in decisions.”*

3.7 It is advised at paragraph 5.151 that the Secretary of State should refuse development consent in nationally designated areas except in exceptional circumstances and where it can be demonstrated that it is in the public interest. It is advised that consideration of applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;
- the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

3.8 It is also advised, at paragraph 5.152, that there is a strong presumption against any significant road widening or new roads in AONBs, unless it can be shown that there are compelling reasons for the enhanced capacity, with any benefits outweighing the costs very significantly.

3.9 Policy relating to mitigation is set out in paragraphs 5.160 and 5.161, where it is advised that adverse effects may be minimised through landscaping schemes and that depending on the topography, it may be appropriate to undertaking landscaping off site, for example infilling gaps in hedges to mitigate impact when viewed from more distant vistas.

### **National Planning Policy Framework**

3.10 AONB policy is provided in the NPPF at paragraphs 176 and 177. This now requires ‘great weight’ to be given not only to conserving but also to ‘enhancing’ landscape beauty in AONBs and also of relevance is the relative recent introduction of a new sentence: “The scale and extent of development within these designated areas should be limited.” These changes give greater clarity and emphasis to the interpretation of the law on development in or affecting AONBs and to the intended constraint on inappropriate development.

3.11 Policy on major development is provided at paragraph 177 where it is stated that “planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest”. It is the view of the AONB Unit that the nature and scale of the proposed highways works constitutes major development. The NPPF states that:

*“Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

### **Planning Practice Guidance**

3.12 The Planning Practice Guidance advises that all development within Areas of Outstanding Natural Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. At paragraph 004 Reference ID 8-040-20190721, it is confirmed that Management Plans for AONBs provide evidence of the value and special qualities of the area and may contain information which is a material consideration when assessing planning applications.

3.13 The Guidance confirms that land within the setting of AONBs *“often makes an important contribution to maintaining their natural beauty, and where poorly located or designed, development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.”*

### **Kent Downs AONB Management Plan**

3.14 Also of relevance is the Kent Downs AONB Management Plan<sup>1</sup>. The Countryside and Rights of Way Act 2000 sets out a requirement for a Management Plan to be jointly prepared and published for AONBs by the local authorities within it. The Kent Downs AONB Unit prepares the Management Plan on behalf of the local authorities which is then adopted by them. The Kent Downs AONB Management Plan, Third Revision 2021 - 2026 sets out the aims, policies and actions for the conservation, enhancement and management of the AONB in a series of principles. Compliance with the principles of the Management Plan assists in helping to demonstrate that public bodies have complied with their Duty of Regard under the CroW Act.

3.15 The following principles of the Management Plan are considered to be of particular relevance to the Project:

*SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.*

*SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.*

*SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.*

*SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.*

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<sup>1</sup> Kent Downs AONB Management Plan 2021 to 2026 [link](#)



*SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.*

*SD 12 Transport and infrastructure schemes and growth areas are expected to avoid the Kent Downs AONB. Unavoidable developments will be expected to fit unobtrusively into the landscape, respect landscape character, be mitigated by sympathetic landscape, buffering, land bridges and design measures and provide compensatory measure through benefits to natural beauty elsewhere in the AONB.*

*SD13 A strategic, landscape led approach to green infrastructure and net gain investments is taken to ensure the recovery, conservation and enhancement of the special characteristics and qualities of the Kent Downs AONB and its setting. The Kent Downs AONB takes a key role in accommodating net gain investments derived from growth elsewhere where the intended gain cannot be delivered locally.*

*LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.*

*LLC5 The revised Kent Downs AONB Landscape Character Assessment forms an integral, interconnected, component part of the AONB Management Plan and should be used to inform proposals and land management impacting the AONB*

*BD1 Creation of new habitats, wilding and connecting habitat corridors will be pursued, informed by the Lawton principles, landscape character, the needs for new recreation, the needs for resilience and the threats to existing habitats and species. Delivery will be through collaboration to establish resilient, functional ecological nature recovery networks and high-quality green infrastructure*

*BD5 The protection, conservation, enhancement and extension of Kent Downs AONB priority and distinctive habitats and species will be pursued; the Biodiversity Duty of Regard will be actively promoted.*

*WT1 The extent of woodland, transitional habitats around woodland and trees outside woodland in the Kent Downs AONB will be retained, connected and extended.*

*HCH1 The conservation and enhancement of the historic character and features of the Kent Downs AONB landscape will be pursued and heritage-led sustainable economic activity and tourism encouraged.*

*AEU13 A strategic approach to the use of road signage, furniture, design and maintenance that conserves and enhances the local character and distinctiveness and encourages*

*AEU 14 Proposals which detract from the amenity and enjoyment of users of the Public Rights of Way network will be resisted.*

3.17 In addition to the Management Plan, several Guidance documents have been produced by the AONB Unit, intended to provide amplification on matters raised in the Management Plan. These include the Kent Downs Position Statement on Setting<sup>2</sup>, the Kent Downs AONB

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<sup>2</sup> The Kent Downs Position Statement on Setting, updated Feb 2022 [link](#)

Landscape Design Handbook<sup>3</sup> and the Kent Downs AONB Guidance of the selection and use of colour in development<sup>4</sup>.

3.18 The Position Statement includes examples of where potential adverse impacts on setting may arise. These include:

- development which would have a significant impact on views in or out of the AONB;
- loss of tranquillity through the introduction or increase of lighting, noise, or traffic movement or other environmental impact including dust, vibration and reduction in air quality;
- introduction of abrupt change of landscape character;
- loss or harm to heritage assets and natural landscape, particularly if these are contiguous with the AONB;
- development giving rise to significantly increased traffic flows to and from the AONB, resulting in erosion of the character of rural roads and lanes; and
- increased recreational pressure as a result of development in close proximity to the AONB.

### **Consideration of Project against relevant AONB policy**

3.19 As set out above, national policy is clear that major development, including major road building/widening should be refused consent in AONBs, except in exceptional circumstances and where it can be demonstrated that it is in the public interest to do so. It is accepted by all parties that the Project constitutes major development. Whether or not there are exceptional circumstances and the scheme can be regarded to be in the public interest, given the level of harm that would occur to the designated landscape and the availability of alternatives, is for the Examining Authority to determine.

3.20 The Planning Statement, Appendix F Kent Downs Area of Outstanding Natural Beauty (Doc F2, [link](#)), sets out a detailed consideration of the proposal against relevant policy as it relates to Areas of Outstanding Natural Beauty. However, the AONB Unit disagrees with some of the assessments set out in this Document.

3.21 In respect of developing outside of the AONB (paragraph 5.151(b) of the NPSNN), it is advised that potential alternative routes at locations A, B and E, failed to meet the Scheme Objectives by having a higher impact on environmentally sensitive sites and on local communities and that they would not have provided value for money nor relieved existing congestion pressure. These alternative locations all avoid the AONB however and we consider that too much emphasis was placed on economic factors without due consideration of the Project's impact on the environment. The economic benefits must be weighed against the damage to the protected landscape of the AONB including its biodiversity, the historic environment, light pollution and loss of tranquillity in a landscape of national significance.

3.22 Of particular concern is that the impacts on the AONB were not known when the decision to discount alternative routes was made as the 2017 route selection was made on an outline design that did not directly impact on the AONB; AONB impacts only became apparent once the route choice was finalised. This was firstly as a result of a previously

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<sup>3</sup> The Kent Downs AONB Landscape Design Handbook [link](#)

<sup>4</sup> Kent Downs AONB Guidance of the selection and use of colour in development [link](#)

unrealised need to increase the capacity and widen a 2 km section of the A2 through the AONB, with a further subsequent additional widening of the Project to facilitate the relocation of major utilities currently located under the A2 carriageway to adjacent to the new road infrastructure, encroaching on a 25 metre wide strip woodland for a 2km length immediately north of the A2, the majority of which is designated SSSI and much of it comprising Ancient Woodland, as well as removal of tree planting mitigation for HS1 to the south of the west bound carriageway. Due to wayleaves for the relocated utilities, there is an inability of replace the trees to be lost.

3.23 Much of the harm to the AONB arises as a result of these utility diversions. Alternative solutions for locating these elsewhere have not, in our view, been fully explored or justifiably discounted, for example, relocating them under existing highway infrastructure such as Thong Lane/Brewers Rd. It is advised at 5.6.8 of the Planning Statement that the *'only engineering alternative, to avoid diversion within the AONB, would be to reconfigure local utility networks from Gravesend to the M2 junction 1 via the A226 and local road networks. Even this would not avoid the need for some works within the AONB as customer connections would still need to be completed within the AONB. Therefore, such a reconfiguration would give rise to significant impacts on traffic/air quality, programme length and entail engineering complexities, while still requiring work within the AONB.'* However, the impacts to the AONB would be significantly less damaging and we consider this option has been discounted too readily.

3.24 As recognised at F.5.72, in accordance with the NPSNN paragraph 5.152, any benefits need to outweigh the costs to the environment of building in a nationally protected AONB **very significantly** (my emphasis). It is the view of the Kent Downs AONB Unit that while significant residual effects are identified to key receptors of the Kent Downs AONB in the ES, the costs to the environment are underassessed in the submission documents. Our detailed comments on the LVIA are reported in Section 5 of this Representation and at Appendix 1.

3.25 It is considered that both the main Planning Statement and the Planning Statement Appendix F generally downplay the impacts to the landscape and scenic beauty of the AONB, such as at paragraph 5.52 of the Planning Statement Appendix F where it is stated that the Project would be kept within the existing highway corridor, which is incorrect; the required utilities diversion to the north of the A2 involves encroachment of some 25 metres beyond the highway edge with associated loss of SSSI and Ancient Woodland. There is also no reference here to the required removal of approximately 4.5 ha of central reservation woodland, which is 45m in width for much of its 1.5km length, the impacts of which would be significant (further detail is provided on these impacts below in Section 4 of this Representation, under Impacts to the Kent Downs AONB) as well as the required removal of mitigation planting for the High Speed 1 Railway line, all of which currently help successfully accommodate the transport infrastructure within the AONB landscape and the impacts of their proposed removal, both individually and cumulatively would be significant.

3.26 The proposed impacts on the AONB are justified in part in these documents on the basis of their being located within/immediately adjacent to existing transport infrastructure. However, in terms of policy and statute, the notion of relative beauty, and the fact that the affected land is not located further from the existing infrastructure is not important in policy terms as legislation and policy give equal protection to all parts of the AONB.

3.27 While the inclusion of mitigation is welcomed, it is also the view of the AONB Unit that the beneficial effects of proposed mitigated on the AONB are overstated and that the proposed mitigation and environmental enhancement package fall short of what is required and to comply with requirements in the NPSNN at paragraph 5.153 that *'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 to high environmental standards and where possible includes measures to enhance other aspects of the environment’.*

3.28 With regards to the mitigation measures set out at F.5.50 of the Planning Statement Appendix F, we comments as follows:

*a. Replacing vegetation that would be removed to facilitate construction including nitrogen deposition compensation planting within the AONB (ES Appendix 2.4: Environmental Masterplan (Application Document 6.2)).*

3.29 As evidenced in the Environmental Masterplan, only limited replacement planting is proposed within the AONB, the majority is proposed outside of the AONB boundary. Furthermore, the amount within the AONB is likely to be reduced yet further with the recent proposed removal and reduction of nitrogen deposition compensation areas at Burham and Bluebell Hill, as set out in the Minor Refinements Consultation (May/June 2023).

*b. The preliminary design has been developed to reduce the width of the A2 corridor footprint as far as reasonably practicable. (Design Principle S1.03).*

3.30 The proposed A2 corridor footprint has in fact increased since the original route choice, firstly as a result of a previously unrealised need to increase the capacity of this section of the A2 and provide feeder roads and again to facilitate another originally unknown requirement to relocate utilities currently located under the existing A2 carriageway to adjacent to the new road infrastructure. Furthermore, this does not account for the total loss of the wooded central reservation that currently significantly reduces the effects of the existing A2 on the landscape character and visual effects, softening the impacts.

*c. The provision of green bridges to enhance landscape continuity across the Project route.*

3.31 While the replacement of two existing A2 overbridges within/immediately adjacent to the Kent Downs AONB is welcomed, their scale is not considered to be nearly as ambitious as they should, with a limited width that falls far short of recommendations in the Landscape Institute’s 2016 Green Bridges guidance and Natural England’s Green Bridges: A Literature Review. As such they would only provide limited landscape continuity/connectivity across the A2 and fail to compensate for the severance of the AONB landscape arising from the proposed works. Further consideration of the replacement of the Park Pale over-bridge with a green bridge has also been too readily discounted, particularly given its route as both a public footpath and cycle route.

*d. False cutting earthworks to help screen views and extensive woodland planting at the junction with the A2 to help integrate the Project into the landscape.*

3.32 While measures to help integrate the Project into the landscape are welcomed, the multi-tiered nature of the junction with the A2 and height of elements of the structure (up to 16 metres above existing ground levels) is such that integration of this part of the Project into the landscape is, in reality, unlikely to be successfully achieved.

*e. Woodland, tree belts and hedgerow planting along the rest of the Project route including ancient woodland compensation planting within the AONB (ES Appendix 2.4: Environmental Masterplan (Application Document 6.2))*

3.33 As commented under a. above, only limited replacement planting is proposed within the AONB, the majority is proposed outside of the AONB boundary and the opportunities for tree planting along the A2 corridor to replicate the existing character and mitigate HS1, are

limited because of the wayleave associated with the relocated undergrounding of the utilities, adjacent to the A2.

3.34 The Planning Statement Appendix F sets out (at paragraph F.5.86) the following measures that it considers contributes towards the requirement at paragraph 5.153 of NPSNN for environmental enhancements within the Kent Downs AONB, with the AONB Unit's commentary on each of the point:

*a. Blue Bell Hill nitrogen deposition compensation site providing mixed planting securing a landscape scale enhancement and linking previously fragmented habitats (Clause S1.18, Design Principles (Application Document 7.5))*

3.35 Under the Minor Refinements consultation, May/June 2023, the site at Bluebell Hill is now proposed to be significantly reduced in scale and no longer provides a landscape-scale enhancement within the AONB.

*b. Burham nitrogen deposition compensation site providing compensation planting securing an expansion to an existing SSSI (Clause S1.22, Design Principles (Application Document 7.5))*

3.36 Under the Minor Refinements consultation, May/June 2023, the site at Burham is now proposed to be removed so no longer provides an enhancement within the AONB.

*c. Fenn Wood nitrogen deposition compensation site providing compensation planting and linking fragmented woodland (Clause LSP.22, Design Principles (Application Document 7.5))*

3.37 The majority of this proposed compensation site is located outside of the AONB boundary; 2469sq.m in the AONB, out of a total area of land at this site of 61424 sq.m.

*d. The M2/A2/A122 Lower Thames Crossing junction includes large scale woodland planting (Clause LSP.10, Design Principles (Application Document 7.5)) and Ancient Woodland Compensation Planting providing additional planting to reinforce ancient woodland replacement planting (S2.03, S2.09, Design Principles)*

3.38 This is proposed as essential mitigation/compensation rather than additional 'environmental enhancement' and is located outside of the AONB.

*e. Minimising impacts on Claylane Ancient Woodland and other vegetation planting to reinforce and supplement the existing planting alongside the A2/M2 corridor (Clause S2.06, Design Principles (Application Document 7.5))*

3.39 This is proposed as essential mitigation/compensation rather than additional 'environmental enhancement'.

*f. New earthworks providing 4m high false cuttings on Project SB to M2 EB slip road (4m higher than the proposed carriageway ground level, typically with a 1(v)4(h) inward facing slope and 1(v)10(h) outward slope) reducing the visual impact of the A2/M2 on the AONB. (Clause LSP.09, Design Principles (Application Document 7.5))*

3.40 Again, we would contend that this is provided as essential mitigation rather than additional 'environmental enhancement'.

*g. New earthworks providing 4m deep cuttings for approximately 400m south of Thong Lane green bridge (minimum 4m lower than adjacent ground level, typically with a 1(v)4(h) inward facing slope), and a maximum 25m deep cutting for approximately 1,200m north of Thong Lane green bridge (typically with a 1(v)4(h) chalk rock / scree slope) further reducing*

*the visual impact of the Project road (Clauses LSP.09, STR.02, LSP.18, S3.01, S3.02, S3.03, S3.10, S3.11, Design Principles (Application Document 7.5))*

3.41 Again, we would contend that this is proposed as essential mitigation rather than additional 'environmental enhancement'.

*h. A new multifunctional green bridge at Thong Lane to be installed to enhance user experience/recreational access across the improved A2 corridor, aid ecological connectivity through mitigating severance and fragmentation of habitats and supporting landscape integration and visual screening for visual receptors (Clause S2.04, Design Principles (Application Document 7.5))*

3.42 The bridge is located just outside of the AONB, although it is acknowledged that is practically on the AONB boundary (which lies just to the east). While the replacement of both Thong Lane over the A2 and Brewers Lane overbridges with green bridges is welcomed, their scale is not considered to be nearly as ambitious as they should, with a limited width that falls far short of recommendations in the Landscape Institute's 2016 Green Bridges guidance and Natural England's Green Bridges: A Literature Review. As such they would only provide limited landscape continuity/connectivity across the A2 and fail to compensate for the severance of the AONB landscape arising from the proposed works.

3.43 The AONB Unit does not agree therefore that environmental enhancements within the AONB are incorporated in to the scheme that are commensurate with the level of harm that would arise from the Project.

3.44 Finally, the conclusion of the Planning Statement Appendix F at paragraph F7.7 that '*The purpose of the AONB designation would not be compromised*' is wholly disagreed with. Given that the purpose of AONB designation is to conserve and enhance natural beauty<sup>5</sup>, the conclusion that this major highway infrastructure scheme would conserve and enhance natural beauty is strongly contested and wholly contradicts the findings of Chapter 7 of the Environment Statement which concludes that there would be significant residual landscape and visual effects on AONB receptors both within the AONB and in its immediate setting.

3.45 Taking the above factors into account, it is considered that the claim of National Highways that the benefits of the Project significantly outweigh the cost as required by the NPSNN needs to be carefully considered along with their conclusion that the Project is in the public interest. When considering whether the development is in the public interest it is important to note that AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them. As such, for the development to be considered to be in the public interest, the potential benefits must outweigh the national significance of conserving and enhancing the natural beauty of the AONB.

3.46 In terms of assessing the proposal against the NPSNN, we do not concur with National Highway's assessed level of impact to the landscape and scenic beauty of the Kent Downs, considering this to be more detrimental that concluded in the LVIA, as set out in Section 5 of this Representation 'Comments on Chapter 7 of the ES'. It is also considered that insufficient moderation of the impacts and environmental enhancement are proposed in the AONB, as set out in Sections 6 and 7 on Mitigation and Compensation. It is also the view of the AONB Unit that alternatives routes and solutions to utility diversions are available.

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<sup>5</sup> Section 82 of the Countryside and Rights of Way Act 2000 [link](#)

3.47 In respect of assessment against paragraphs 176 and 177 of the NPPF, the Project would fail to conserve and enhance both the AONB and its setting, and the scheme would result in many of the examples set out in the AONB Unit's Position Statement on Setting of where potential adverse impacts on setting may arise.

3.48 In terms of assessment against the Kent Downs AONB Management Plan, the Project conflicts with many of the adopted principles. The landscape and visual impacts would be contrary to principles SD1, SD3, SD8 and LLC1. The lack of sufficient mitigation and environmental compensation conflicts with principles SD11 and SD12. The increased lighting would adversely impact on the dark night skies of the Kent Downs AONB, and there would also be tranquillity impacts arising as a result of increased noise and traffic, in conflict with principle SD7 of the Management Plan. The loss of hedgerows, woodland and individual trees, much of which is designated SSSI and Ancient Woodland, would impact on the biodiversity rich habitats of the Kent Downs, recognised as one of its special characteristics and qualities, in conflict with principles BD5 and of the Management Plan. The increased severance of the landscape north and south of the A2 would also impact on the Grade II\* Registered Park and Garden of Cobham Hall, thus conflicting with Principle HCH1, while the reduction in quality of views from Public Rights of Way is contrary to principle AEU14 of the Management Plan, albeit in most cases this is likely to be a temporary effect until mitigation planting matures.

3.49 It is recognised however that the proposed compensation and mitigation planting is, in the main, designed to be appropriate to landscape character and that the Project would result in overall Biodiversity Net Gain as well as increased ecological habitat connectivity, and improvements to Public Rights of Way, in line with other aims and objectives of the AONB Management Plan. However, the Management Plan is clear throughout (with it specifically set out at Section 2.2) that the primary purpose of an AONB is to conserve and enhance natural beauty and that all actions taken within the AONB, need to comply with this underlying principle.

#### **4. IMPACTS TO THE KENT DOWNS AONB**

4.1 The Project lies at the northern end of the Kent Downs AONB and would impact on land within the designated AONB boundary, as a result of the proposed works to and adjacent to the existing A2, for a length of approximately 2km and would also impact on the AONB's immediate setting, due to the proximity and scale of the new road leading to the tunnel and multi-level junction connecting the proposed link road to the tunnel to the A2. There would also be indirect impacts as a result of traffic displacement impacting on roads elsewhere in the AONB, tranquillity impacts from noise and lighting, and impacts to the biodiversity rich habitats of the AONB as a result of nitrogen deposition.

4.2 The northern AONB boundary lies along the A2 from Rochester to Faversham for its entire length; the incursion of the boundary at its western end, north of the A2 to incorporate Shorne Woods was a matter that was specifically considered when the AONB boundary being was determined. When the boundary was being considered in 1966, Kent County Council had opposed the use of motorways and trunk roads, such as the A2, as boundaries in their own right '*seeking the automatic designation of land on both sides of such routes to preserve the views therefrom, and to prevent the creation of eyesore on the side of the routes not designated*'<sup>6</sup>. While the field adviser had some sympathy with the County

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<sup>6</sup> Designation History Series Kent Downs AONB Ray Woolmore BA (Hons), Dip Tp, MRTPI May 2002

Council's view, he believed that the suggested change was too complicated compared with the well-defined motorway boundary. However, the one exception to this was in the Shorne area where the Field Adviser did believe that there was a case for including a fringe of woodland along the A2, although not the built up areas of Shorne and Shorne Ridgeway. This land was subsequently included in the AONB and demonstrates the importance of the wooded character of this part of the AONB.

4.3 Impacts to the AONB arising from the Project 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, to provide 4 lanes of traffic in each direction plus hard shoulders and the creation of new, two lane connector roads provided on either side of the realigned A2, increasing to 21 lanes at its western end, resulting in the erosion of the landscape and visual quality of the AONB.
- The removal of extensive areas of existing vegetation along the A2, including a belt of mature trees that currently separates and screens the east and west bound carriageways from each other and loss of mature trees from both sides of the highway including removal of establishing vegetative mitigation for HS1, opening up views of the transport corridor and reducing the current wooded context within which it sits.
- Relocation of utilities adjacent to the A2 carriageways, resulting in inability to provide replacement planting along the utility corridor, 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.
- Direct loss of ancient woodland, and loss of habitat from the woodland within Shorne and Ashenbank Woods SSSIs.
- 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.

### **Landscape Character and visual effects**

4.4 In the Landscape Character Assessment (LCA) of the Kent Downs AONB, Updated 2020, published in January 2023<sup>7</sup>, the site lies within the West Kent Downs Landscape Character Area, and within this, in the Cobham and Shorne sub-areas; the boundary between the two being the southern boundary of the east bound carriageway of the A2. The LCA notes the prevalence of parkland and mixed woodlands within the Cobham sub area along with the extensive land area in protective ownership, managed primarily for landscape,

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<sup>7</sup> Landscape Character Assessment (LCA) of the Kent Downs AONB, Updated 2020, published in January 2023 [link](#)



nature and public access. In respect of the Shorne sub-area, it is noted at 2.2.10 of the LCA that this character area has been severed from the more extensive landscape of similar character to the south by the A2 and that its key distinguishing feature is the extent of woodland (much of which comprises Ancient Woodland) in combination with the ridge landform.

4.5 The local character of the area impacted by the Project is one of small ancient settlements in a wooded landscape, including the villages of Thong, Shorne and Cobham. There are numerous ancient woodlands within the locality as well as the Cobham Hall Registered Park and Garden comprising 18<sup>th</sup> century parkland, estate woodlands and a golf course.

4.6 While recognising that there is already a degree of severance between land north and south of the A2, as a result of the A2/M2 and High Speed 1 rail line cutting through the AONB, the existing transport infrastructure is very well integrated into the landscape because of topography and the wooded nature of the area, as well as the successful mitigation incorporated for the High Speed railway line that is just reaching maturity, along with a significant area of woodland (some 4.5ha) separating the east and west bound carriageways, with a width of some 45 metres for the majority of its 1.5km length.

4.7 The Project would replace the existing four lanes of traffic, plus hard shoulders in both directions, with 12 lanes of traffic, plus hard shoulders for most of its length within the AONB, although at its western end, various slip roads and the extended Darnley Lodge Lane increase this to 20 lanes (see Fig 1 below) as well as an extension to the existing transport corridor as it passes through the AONB to accommodate diverted utilities, requiring removal of historic woodland designated as SSSI, and in parts, Ancient Woodland, to the north of the A2, and mitigation planting for HS1 to the south of the A2. The existing woodland separating the east and west bound carriageways would be removed in its entirety. The proposed two-way link at Darnley Lodge Lane removes further woodland between the existing A2 and local link road, approximately 25 metres in width.

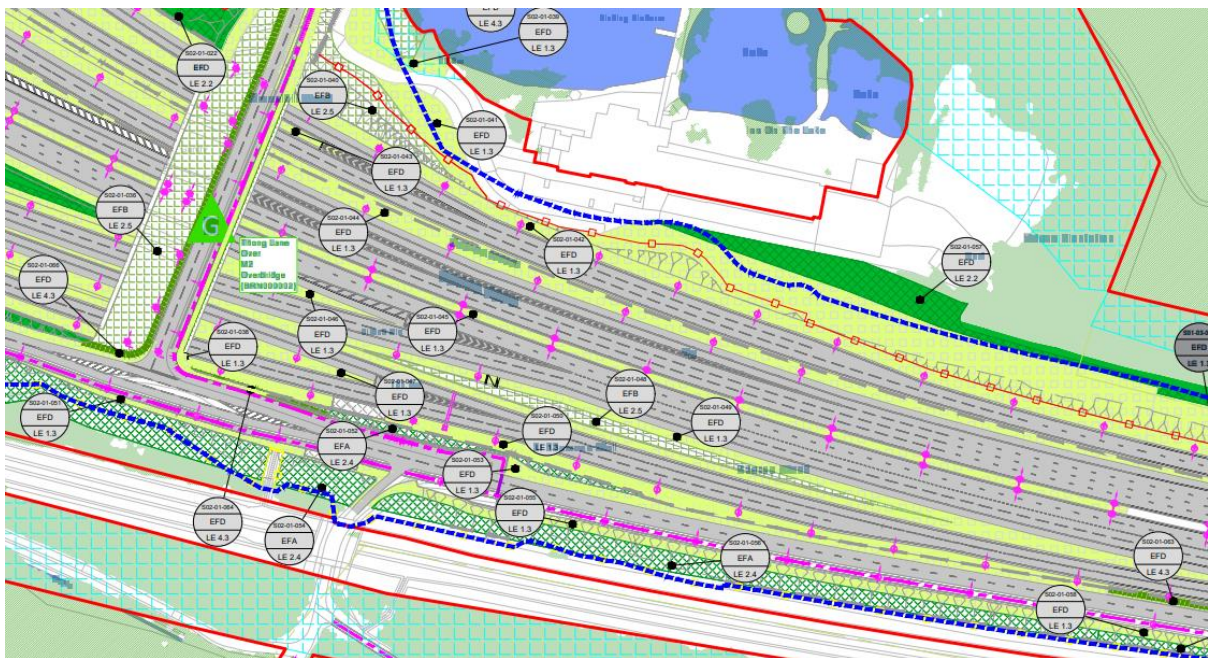


Fig 1 Extract from Environmental Masterplan, Section 2, Sheet 1, east of Thong Lane over A2 bridge, showing 20 lanes of traffic at western end of AONB.

4.8 These works would result in the transport corridor losing its current wooded enclosure and rural character and becoming much more prominent in the landscape, with a more urbanising impact. At present, travelling from the west to east there is a notable change in character on the A2 on passing into the AONB as a result of the woodland character and absence of the urbanising influences apparent to the west of the AONB boundary. The Project would fundamentally alter this, with the increase in lanes of traffic unrelieved by tree planting or woodland with just some narrow strips of grassland between the 21 carriageways to the immediate east of Thong Lane over the A2 green bridge, associated gantries, signs, large extents of retaining walls etc. The widened A2 corridor and loss of vegetation/ woodland along the A2 would also impact on the defining wooded ridged skyline characteristic feature within the AONB which would noticeably impact on views and which are a defining characteristic of the West Kent Downs landscape character. The works would irreversibly change the character of this part of the AONB and significantly exacerbate the severance of the AONB landscape, as well as resulting in increased severance between the Grade II\* Registered Park and Garden and other heritage assets north and south of the A2, impacting on the cultural heritage of the AONB landscape.

4.9 Further harm would arise from the proposed revised access arrangements to the Harlex Haulage Depot at Park Pale Farm (see Fig 2 below). This includes the provision of an additional access to the north of the existing access located adjacent to the A2, resulting in further encroachment into a currently undeveloped part of the AONB that is of high landscape character and value, currently comprising arable land with a strong parkland character, that fails to conserve or enhance the AONB, with no woodland planting proposed to mitigate the impacts and the visual impacts of which would be exacerbated as a result of the rising topography of the land affected. Any access should be kept as close to the A2 route as possible to minimise encroachment into this undeveloped part of the AONB.

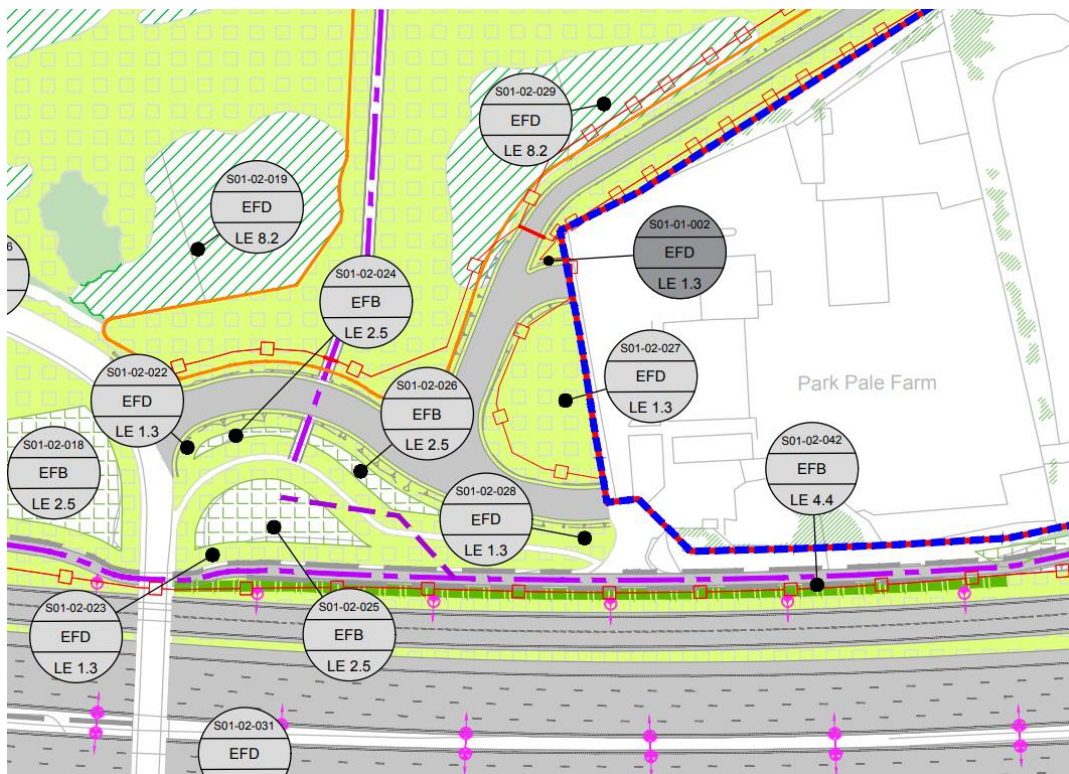


Fig 2 Extract from *Environmental Masterplan, Section 1, Sheet 2, Park Pale Farm, Harlex Haulage Depot* showing proposed revised access arrangements and extent of encroachment into currently undeveloped farmland.

## **Biodiversity Rich habitats**

4.10 The works within the AONB boundary involve loss of ecological habitats including land designated as SSSI and Ancient Woodland, primarily a 25 metre wide strip of land required for the diverted utilities to the immediate north of the A2. The importance of such habitats to the Kent Downs AONB is recognised with the inclusion of biodiversity rich habitats as one of its special characteristics and qualities. Woodland is also a recognised special quality of the Kent Downs and was one of the targets of the original AONB designation, and as described in paragraph 4.2, a key component of this part of the AONB and decisive factor in including the land impacted by the Project within the Kent Downs AONB boundary.

4.11 The Kent Downs' ancient woodland is nationally significant representing 3.3% of the total in England and Wales (Natural England, Ancient Woodland (England) Inventory). Ancient woodland is regarded as irreplaceable, having great value because of its long history of woodland cover. It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons<sup>1</sup> and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 180). While Ancient Woodland compensation planting is proposed, the majority of this is proposed outside of the AONB. Where proposed within the AONB, we have some concerns that it is not entirely appropriate to the landscape character of the location.

## **Setting**

4.12 The Project would also result in a permanent major alteration to the scale, rural appearance and landscape character to the immediate western setting of the AONB. As recognised in Chapter 7 of the ES, the landscape here is considered to be of high value and to form an important part of the setting of the Kent Downs AONB.

4.13 Harm would arise as a result of the permanent loss of arable farmland and construction of the large scale elevated, multi-level junction connecting the new road leading to the tunnel and the A2, located less than 400m from the AONB boundary, with the A122 to A2 west slip road proposed some 16m above existing ground level. Harm from the junction would be exacerbated by the elevated street lighting on the structures and also from the movement of vehicles, with high sided lorries, often brightly coloured, likely to be particularly noticeable, along with the headlights of moving vehicles. While woodland planting is proposed around the junction, the height and scale of elements of this mean the mitigation planting would be largely ineffective in mitigating the most elevated parts of this structure and we disagree with the contention at F.6.7 of the Planning Statement Appendix F that the embedded mitigation measures would, as the planting becomes established, reduce the impact of the junction on the Kent Downs AONB to any great extent. The effectiveness of this planting would be limited in view of the overall height of the junction, as demonstrated in Fig 3 below<sup>8</sup>

4.14 Further harm to the AONB setting would result from the substantial alterations to the existing generally flat landform (also demonstrated in Fig 3 above) as well as the total loss of Gravel Hill Wood immediately adjacent to the AONB boundary, as well as the loss of woodland between the Thong Lane over the A2 green bridge and the electricity substation.

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<sup>8</sup> Extract from Drawing No HE540039 CJV-SAR-ZZZ ZZZZZZZZZ-DR-ZZ-00507 M2/A2/A122 LOWER THAMES CROSSING JUNCTION HS1 GREEN BRIDGE TO FOOTPATH NS 167 (Draft)

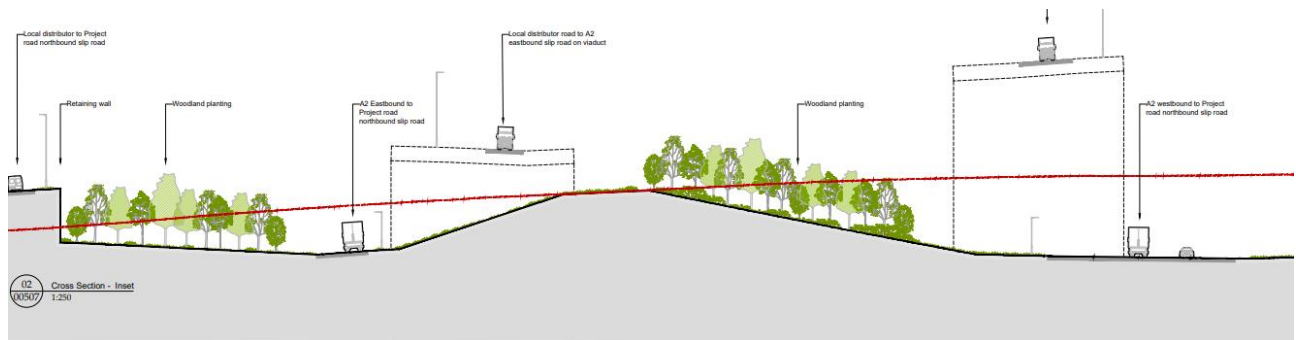


Fig 3. Showing cross section of part of junction of A122 with A2 incorporating the A122 south bound slip with west bound A2 (Draft Plan)

4.15 These works cover a relatively extensive area in the immediate setting of the AONB and would radically change the landscape character from its current typical agricultural land character, separated by pockets of woodland. Notwithstanding the proposed woodland planting, the scheme would remove the sense of transition between the higher wooded ground in the AONB to the east and the flatter, more open agricultural land to the west outside of the AONB and would harm the flow of the landscape into and out of the AONB.

4.16 Construction compounds have been located to avoid the AONB and this is welcomed, however a Utilities logistics hub is proposed at Park Pale to the west of the Harlex Haulage Depot. As this would be sited on rising generally open ground, with little in the way of vegetative screening its prominence in the landscape is increased. Furthermore, a public right of way passes through the centre of the proposed hub (NS161) and it is not clear how this will be accommodated during the works.

4.17 The large construction compound proposed at the entrance to the southern tunnel portal is recognised in the LVIA to be prominent in the landscape and that construction works for the M2/A2/Lower Thames Crossing junction and the extensive southern tunnel entrance compound would result in significant adverse visual effects to the setting of the AONB during construction. A further Construction Compound is proposed on land to the west side of Thong Lane, immediately adjacent to the AONB boundary and comprising some 43880m<sup>2</sup> with associated office, welfare, workshops and storage areas with the associated activity would result in further harm to the setting of the AONB and impact on tranquility.

## Tranquility

4.18 Relative tranquility is another of the identified special qualities of the AONB. The Kent Downs AONB Management Plan (2021 to 2026) repeatedly refers to the merit of tranquillity, including as a 'recurrent issue' on page 28 and in points (c) and (g) under 'sustainable development – main issues, opportunities and threats' on page 27, and includes Principle SD7 "New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies". The Kent Downs AONB has relatively high levels of tranquillity, especially when compared with the surrounding urban areas, however with the existence of the A2 and HS1 the area directly impacted by the Project is clearly not one of the most tranquil parts of the Kent Downs AONB.

4.19 Nevertheless, the AONB Unit considers the Project would result in a reduction of tranquility both during the considerable construction period (some 5 and a half years) and once the Project was operational, from lighting and noise impacts and this is confirmed in the ES where it indicated that the Project will result in reductions in tranquillity in the West Kent

Downs Local Landscape Character Area due to construction activity and also along the widened A2/M2 corridor during the operational phases.

4.20 Appendix 7.11 of the ES provides an assessment of the Traffic and Noise Effects on the wider Kent Downs AONB. The Assessment uses the CPRE Tranquillity Map of England, published in 2007 as a data source to map existing tranquillity in the Kent Downs AONB. We would comment that the spatial context (500m x 500m squares) used in this study is quite arbitrary and lacks a landscape context; the medium within which tranquillity is appreciated. While useful for comparison at a national level, it is not particularly useful at a local level. The Assessment references GLVIA, CPRE and the Landscape Institutes definition and contributors to tranquillity. We consider it an omission that Natural England guidance on AONB designation<sup>9</sup> is not referenced, where tranquillity indicators are specified:

Contributors to tranquillity - Presence and/or perceptions of natural landscape, birdsong, peace and quiet, natural-looking woodland, stars at night, stream, sea, natural sounds and similar influences

Detractors from tranquillity - Presence and/or perceptions of traffic noise, large numbers of people, urban development, overhead light pollution, low flying aircraft, power lines and similar influences

4.21 In terms of Visual Disturbance scoping criteria, we have concerns that '*Very localised increases in traffic flows of over 40%, along very short sections of road up to approximately 100 metres*) have not been assessed, as these are considered unlikely to result in a notable visual disturbance from the AONB' have been scoped out, as reported at paragraph 4.3.4(d).

4.22 Where increases of 40 percent and over are predicted, the visual effects on the AONB are largely discounted in the Assessment as having no notable visual effect, on the basis of enclosure provided by enclosure, such as from vegetation or settlement. This however, fails to reflect visual and experiential impact on users of the roads, such as for cyclists/horse riders using the impacted roads for recreational purposes.

4.23 In terms of the conclusions, it is agreed that there would be no noticeable increase in visual disturbances arising from increased traffic on existing main roads away from the Project elsewhere in the AONB. The Report acknowledges however that there would be notable visual disturbance on some more minor roads in the AONB. There would also be visual disturbance at settlements in the AONB including Trottiscliffe and Boxley, two villages lying within the AONB. In respect of the indirect noise implications arising from the Project, the Assessment predicts both moderate beneficial and adverse effects to some limited locations elsewhere in the AONB and some major adverse impacts during certain stages of construction. At operation, it is assessed that there would be small adverse effects at Opening Year but by Design Year this would go and there would be no significant change other than a moderate beneficial impact in a small area near the existing A2/M2 corridor.

4.24 The Noise Effects during construction mapping (Fig 7.21.1) illustrates that while there would be beneficial effects in Cobham Village and to the immediate north and south of the A2 in proximity to Shorne Country Park, there would be adverse effects during construction along an approximate 3.5km length of Warren Road, a rural lane within the AONB. A mix of beneficial effect and adverse effects are predicted elsewhere within the AONB once the scheme is operational in 2030, while only beneficial effects to a relatively small area around Thong are anticipated by 2045

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<sup>9</sup> Natural England's Guidance for assessing landscapes for designation as a National Park or AONB (2011)

4.25 Therefore, the conclusions of the Report that there would be adverse impacts on the relative tranquility recognised special quality at some limited locations within the AONB at both construction and operation is agreed with. We have concerns however over the conclusion on cumulative effects reported at paragraph 6.4.7 of the Assessment, that there would be 'no notable cumulative effects on tranquillity within the AONB', given the findings of potential effects on Boxley Village which is also likely to see increased vehicle movements from the inclusion of a new Garden Community at Lidsing as an allocation in the emerging Maidstone Local Plan Review.

4.26 There is also potential for long term residual impacts at Operation from increased lighting and additional traffic using the infrastructure and we note that it is predicted that there would be a 'perceived change' to the West Kent Downs Local Landscape Character Areas due to changes in street lighting. While the A2 is already lit in this location, the new junction with its high tiered levels would introduce lighting into an area in the immediate setting of the AONB that is currently largely free from light sources. The proposed use of LED luminaires which would emit no light above the horizontal to reduce skyglow and ensure light is only projected to where it is needed and reduced height of columns is welcome. The increase in lanes with the provision of the additional local distributor roads will result in an increase in the number of lighting columns and the opening up of road corridor due to the removal of its current wooded enclosure and inability to replant due to utility wayleaves, means the current enclosed nature of the A2 which limits light pollution in the wider landscape will be removed.

4.27 The commitment to provide low noise road surfacing is welcomed, but its retention in perpetuity needs to be secured as this type of surface decays with time, resulting in a commitment needing to be secured for its periodic replacement and to ensure that it is properly maintained so as to remain effective.

### **Impacts on the wider AONB**

4.28 The Planning Statement Appendix F states at F.2.4 that '*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*'. We disagree with this assertion and consider that impacts arising from the Project would affect the wider AONB. This includes knock on effects outside of the Order limits as a result of construction traffic and traffic displacement when the new route becomes available affecting noise levels and tranquillity elsewhere in the wider AONB as illustrated in the Noise and Construction Traffic Effects on the Kent Downs AONB Assessment ( Appendix 7.11 of the ES) and discussed in the preceding Section of this Written Representation on Tranquillity.

4.29 The Project is likely to result in a significant shift in traffic heading southwards into Kent, including Dover Port and Channel Tunnel traffic, including an increase in traffic using the A229 (Bluebell Hill) and choosing the M2/A2 over the M20 and subsequent likely requirement for increased capacity to be provided on major routes within the AONB that link the M2 and M20, such as the A229, Bluebell Hill and A249. The need for this is demonstrated in The Traffic Forecasts Non-Technical Summary which presents the forecast percentage change in flow as a result of the Project and predicts an increase along the A229<sup>10</sup>. The A229 provides the shortest link between the M20 and M2 and cuts directly through the escarpment of the North Downs, the main target and most prominent feature of the Kent Downs AONB. Both junctions with the motorway at either end of the A229 are

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<sup>10</sup> The Traffic Forecasts Non-Technical Summary (Application Document [APP-528](#))

already over capacity at peak times and upgrading both the junctions and the route itself would have significant impact on the Kent Downs AONB.

4.30 The new crossing will also have implications for the M2/A2 which forms the northern boundary of the AONB for much of its length between Rochester and Faversham and passes through a significant length of the AONB south of Canterbury. From Junction 4 of the M2 the carriageway reduces to two lanes and sections further south on the approach to Dover are only single carriageway. As such, increased use of the M2/A2 is likely to result in capacity issues, leading to potential future pressure for works to this route as well as potential increase for services, lorry parks etc. which could all impact on the Kent Downs AONB.

4.31 There are also predicted impacts to designated SSSI sites within the AONB, but some distance from the actual Project Order limits as a result of nitrogen deposition. Table 3.1 of the ES Appendix 5.6 Project Air Quality Action Plan ([link](#)) sets out the designated ecological sites where the Project is considered to have a significant effect without mitigation. Residual significant effects from nitrogen deposition (after consideration of mitigation) are predicted on 29 sites, totalling 176.4 hectares (ha) of significantly affected habitat. It is notable that the vast majority of sites and overall area likely to be affected are located not only south of the river, but within the Kent Downs AONB and many of these are located on the actual escarpment of the North Downs, the main target of the original AONB designation. Out of the 176.4ha of land predicted to be affected, less than 19 ha would be north of the river, which equates to 89 percent of the impacts occurring south of the river, the vast majority of which would be in the AONB, the remainder of which would be in its setting. As such, it is the contention of the AONB Unit that there would be effects of the biodiversity rich habitats of the wider Kent Downs AONB, particularly given that equivalent compensation within the AONB is not provided for (see our comments at paragraph 6.5 of this representation).

## **5. COMMENTS ON CHAPTER 7 OF THE ENVIRONMENTAL STATEMENT (LVIA)**

5.1 As an initial procedural point, the LVIA has assessed the impacts on the Kent Downs AONB Landscape Character Areas (Kent Downs AONB LCA Update 2020, published 2023<sup>11</sup>) based on an adjusted plotting of the boundaries of the Shorne and Cobham Sub-areas of the West Kent Downs Character Areas, as illustrated in the Figures 4 and 5 below. This re-adjustment of the boundaries results in less of the proposed works falling within the Cobham sub-area as defined in the LVIA than within the Kent Downs published LCA and conversely, a greater proportion of the works falling within the Shorne sub-area. Paragraph 7.3.58 of Environmental Statement (ES) Chapter 7 states that:

*“The above landscape character studies [Kent Downs AONB Landscape Character Assessment Update, Draft (Kent Downs AONB Unit, 2020) unpublished as of 15 September 2022] and the boundaries of character areas identified in the studies have been used to inform the definition of the LLCAs, which have been used as a basis for the assessment of effects on the landscape at the local level. In a limited number of locations, the boundaries of the published character areas have been slightly adjusted through detailed study and analysis undertaken for the LVIA in this chapter.”* We would comment that the boundary adjustments are more than minor and the approach was not agreed with the AONB Unit.

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<sup>11</sup> The Kent Downs AONB Landscape Character Assessment Update 2020, published 2023 link

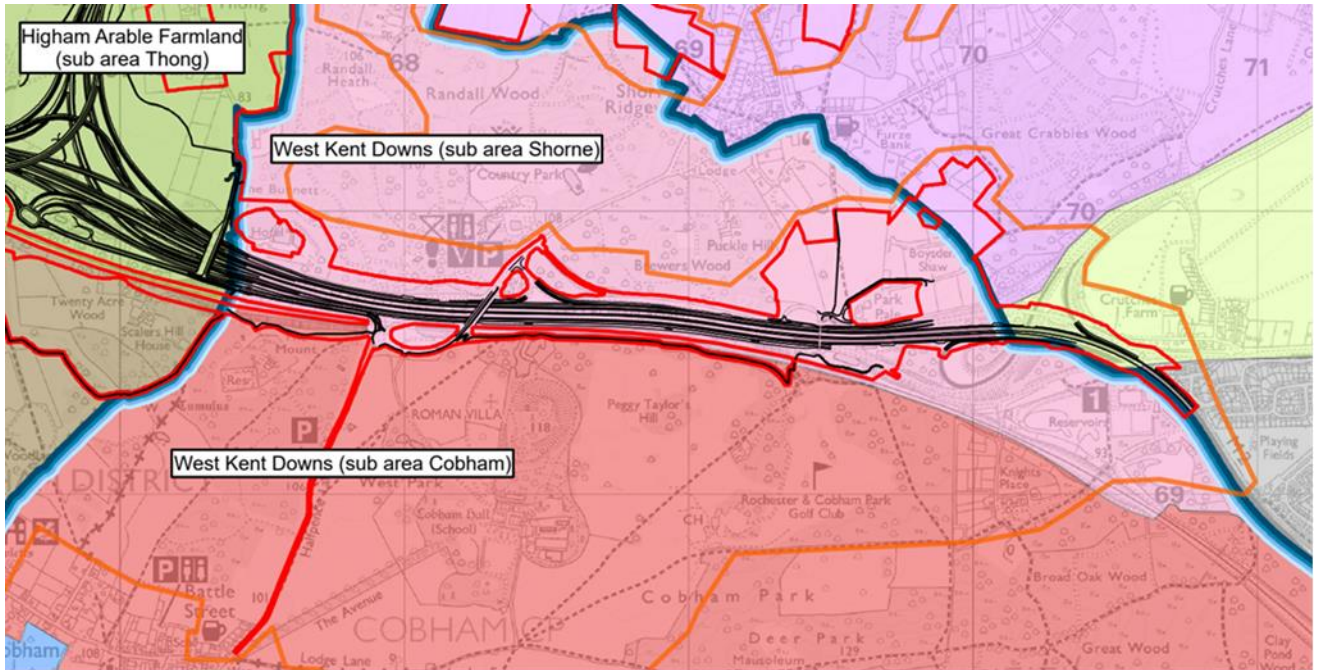


Fig 4 Local Landscape Character Area boundaries used in the ES, Chapter 7

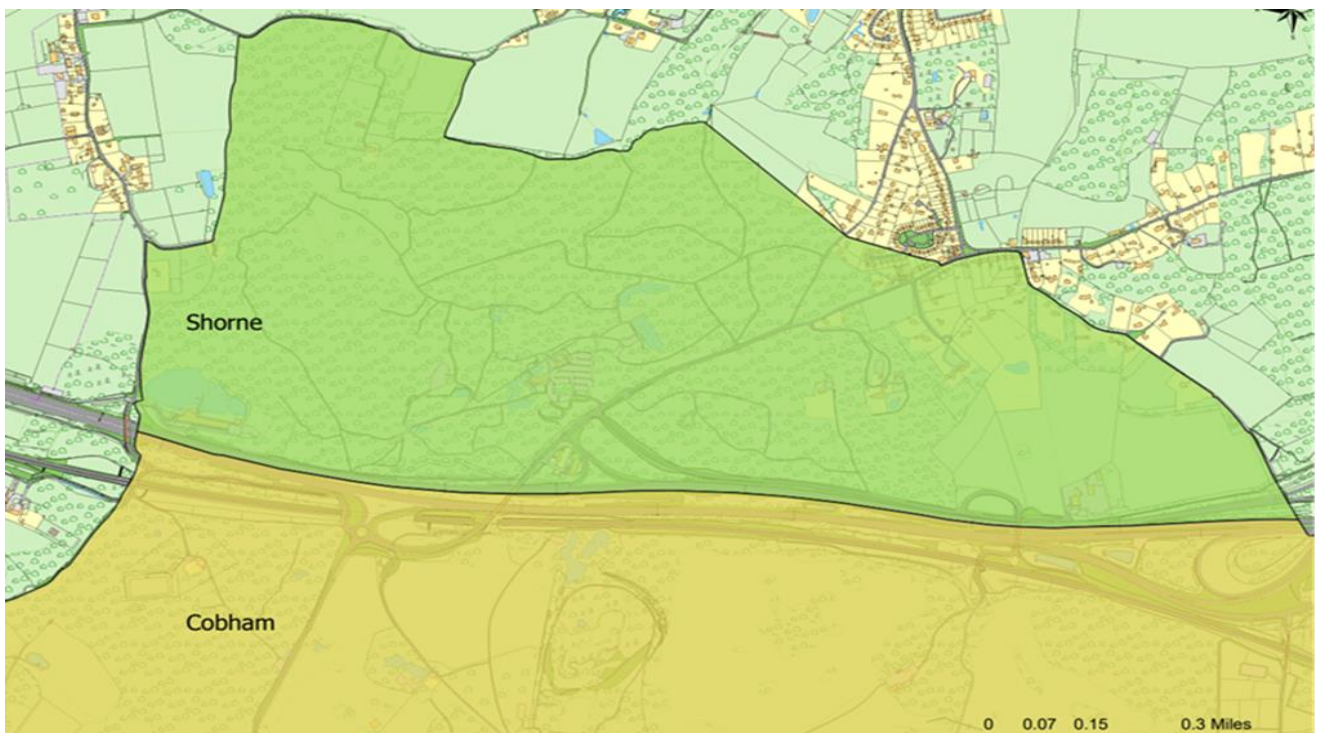


Fig 5 Local Landscape Character Area boundaries of the Kent Downs AONB LCA, West Kent Downs, Sub-areas Cobham and Shorne

5.2 The Kent Downs AONB Unit has reviewed Chapter 7 of the Environmental Statement following a joint site visit with Natural England and Gravesham Borough Council on 10/05/2023 when conditions were fair, cloud was high and visibility was good. The Unit's detailed comments on receptors that are particularly pertinent to the AONB are provided in Appendix 1.

5.3 The Viewpoint locations included in the Assessment were, in the main agreed with the AONB Unit, although this did not extend to the Viewpoints included for the Nitrogen



Deposition compensation sites, contrary to statements at 7.3.68 and 7.4.45 of the ES, nor to the location of the photomontages. Additional photomontages from some locations would be helpful to aid understanding of potential visual impacts better, such as from Viewpoints S16, S29 and it would be useful to have an additional View Point and photomontage at the on-slip to the A2 from Brewers Lane (approx. GR 568529 169703).

5.4 The Kent Downs AONB Unit disagrees with several of the assessments/conclusion of the ES, in particular in respect of the assessments in relation to Design Year effects. Of particular note is that both the sensitivities of some of the receptors in the AONB and the assessed magnitude of effects have been downgraded in the Assessment in the ES submitted with the 2020 DCO application, significantly in some cases, with no apparent justification for the reductions provided between the two assessments and despite only minor changes to the Project proposals.

### **Sensitivity of Receptors**

5.5 In respect of landscape receptors, we agree with the Very High sensitivity assigned to most of the LCAs within the AONB. The West Kent Downs (Sub area Cobham) is only assessed as having High Sensitivity however. The LVIA advises that the presence of the A2 results in some ability to accommodate the Project without substantial loss of overall integrity, giving it a Medium degree of susceptibility to specific change. The ES methodology defines Medium Susceptibility as the '*Ability to accommodate some change (relating to landscapes of local or regional recognition of importance)*'. We consider that the susceptibility is 'High' or 'Very High' and note that the same justification is not applied to the Sub Area of Shorne. With a high/very high susceptibility, the Cobham Sub area should also be assigned a Very High Sensitivity given the quality of the landscape, its good condition and the presence of the Registered Park and Garden.

5.6 This would correspond better with guidance in the DMRB LA 107, where at Table 3.22 Landscape Sensitivity (susceptibility and value) and typical descriptions, Very high is described as Landscapes of very high international/national importance with no or very limited ability to accommodate change without substantial loss/gain (i.e. national parks, internationally acclaimed landscapes – UNESCO World Heritage Sites), given that AONBs are afforded the same protection in planning policy as national parks and that, as recognised at 7.4.38 – 39 of the ES, the Kent Downs AONB is an aspiring UNESCO Global Geopark. We also note that the Cobham Sub-area was assigned a Very High Sensitivity in the 2020 version of the LVIA; no justification for the reduction in sensitivity in the current assessment is provided and there has been no change in the baseline situation.

5.7 Similarly, with regards Visual Receptors, in the 2020 ES, all receptors within the AONB were assigned a Very High sensitivity. The updated ES however downgrades those Viewpoints that are located adjacent to the A2 to a High Sensitivity. At paragraph 7.4.39 of the ES it is advised that the starting point for assessment of the Kent Downs has been very high sensitivity, however where there are close up and open views of the A2, the 'assessment of sensitivity has been reduced slightly'. This is also referenced at 4.3.2 of Appendix 7.2 - Landscape and Visual Assessment Methodology where it is advised that where existing views are already affected by the A2, the susceptibility to change is considered lower than the typical descriptors and examples set out in Table 7.4 of Chapter 7: Landscape and Visual (Application Document 6.3) that identifies typical examples of visual receptors and their associated sensitivities. Notwithstanding this, where Viewpoints are located on a public right of way or other footpath where the receptor will be engaged in recreational activity and their attention in these locations is likely to be focused on the views before them, given their location within an AONB and aspiring UNESCO Global Geopark, we

consider the sensitivity to be Very High, which aligns better with the typical description set out at Table 3.41 Visual sensitivity (susceptibility and value) and typical descriptions of the DMRB LA 107.

5.8 This underassessment of the sensitivity of some of the recreational and landscape receptors in the AONB consequently reduces the overall significance of effects assigned to them in the ES, as set out in further detail in the Table provided at Appendix 1 to this response.

### **Magnitude of Effects – landscape character**

5.9 The Magnitude of Effects reported on both landscape and visual receptors of the Kent Downs AONB is also considered to be underassessed in many cases at all stages, but in particular in respect of predicted Design Year effects, mainly as a result of an unrealistic assessment of reduction in magnitude of change. This consequently leads to underestimated residual significance of effects for the receptors, particularly when combined with the under-assessed sensitivity. Detailed comments on these are provided in the Table provided at Appendix 1.

5.10 The DMRB LA 107 states that in reporting the magnitude of landscape effects, the assessment should be demonstrated in terms of size/scale, geographical extent of influence and duration and reversibility. Table 3.24 sets out the Magnitude and nature of effect on the landscape and typical descriptions. Major adverse effect is described as ‘total loss or large scale damage to existing landscape character or distinctive features or elements; and/or addition of new uncharacteristic, conspicuous features or elements (i.e. road infrastructure)’ while Moderate adverse effect is a ‘Partial loss or noticeable damage to existing landscape character or distinctive features or elements; and/or addition of new uncharacteristic, noticeable features or elements (i.e. road infrastructure)’. A ‘Slight loss or damage to existing landscape character of one (maybe more) key features and elements; and/or addition of uncharacteristic new features and elements’ is described as a Minor Adverse effect.

5.11 The ES assesses that there would be a Major Adverse Magnitude of effect on the West Kent Downs Sub-area Shorne at Construction, Moderate adverse at Opening Year and Minor at Design Year. For the West Kent Downs (overview for Sub areas Shorne and Cobham), a moderate adverse magnitude of effect is predicted at Construction and Opening Year and Minor adverse at Design Year. The reduction to Minor adverse effect at Design Year for both character areas is considered wholly unrealistic and contrasts with the assessed level of effect in the 2020 assessment of Moderate Adverse which we consider a more accurate assessment and to align more closely with the typical descriptor provided in Table 3.24 of the DMRB, given the permanent increase in prominence and scale of the highway infrastructure, loss without equivalent replacement of mature woodland from the central reservation and immediately north of the A2 and loss of mitigation planting for HS1 across a 2.2km section of the AONB (based on the LCA boundaries used in the LVIA) .

5.12 In respect of the Cobham sub area of the West Kent Downs LCA, a Minor Adverse magnitude of effect is predicted at Construction and Negligible Adverse at Opening Year and Design Year. The Assessment advises that impacts would be largely limited to a small part of this LCA and largely be confined to creation of NCN route along public right of way. This is based on the ‘adjusted’ boundaries used in the LVIA. However, even based on this boundary, the effect is considered underassessed given the proximity of the widened transport corridor and associated infrastructure such as retaining walls, gantries etc. with loss of planting between the project and the LCA, increasing its prominence and presence from this LCA. Therefore, we consider the magnitude of effects to be under-assessed at all stages.

## **Magnitude of Effects – visual receptors**

5.13 The AONB Unit largely agrees with the Magnitude of Effects reported at Construction at Opening Year for most of the Visual Receptors in the AONB, the vast majority of which are assessed as Very Large or Large. However, we consider the effects are underassessed in several cases at the Design Year.

5.14 In respect of S03, both the assessed Magnitude of Effect of Negligible at Opening Year and Minor beneficial at Design year is disputed. At present from this location the view of the A2 corridor is almost entirely screened by vegetation and HS1, despite being elevated, is only readily apparent when a train goes past due to maturing vegetation on the embankment. Harlex Haulage Depot at Park Pale is partially screened in Summer, less so in Winter. Views are currently across grassland to the woodland to the south beyond, with views possible of the roof of the Darnley Mausoleum.

5.15 The Project would remove existing vegetation to the north of the Harlex Depot to facilitate a new access track to the attenuation pond, opening up views of the haulage yard. The project also involves a new access to the Depot to the west of the existing site which would be readily apparent. Furthermore, existing screening planting to the north of the A2 and between the A2 and HS1 would be removed. The higher topography of this Viewpoint means the works will be particularly visible over the proposed planting until it has really matured. It is therefore considered that the Magnitude of effect is underestimated for all three scenarios, however in particular for Year 1 as planting will not have established at all and the views of the widened infrastructure, HS1 and Park Pale will all be much more apparent in the view than at present. Therefore, it is considered that a Major Magnitude of Effect at Construction and Year 1 would be more realistic, reducing to Moderate at Design Year.

5.16 The AONB Unit also considers that the assessed Magnitude of Effect at Design Year is underassessed at several other Viewpoints in the AONB: S05, S05a, S08, S11 and S14, where it is considered that the effects of mitigation planting would not bring about the level of reduction in Magnitude of Effect claimed. This is demonstrated in part by the HS mitigation planting which is only just maturing and providing effective mitigation, some 20 years after planting. It is also considered that Opening Year effects are under-assessed at VP29 where mitigation will not be effective yet and night time effects are particularly likely to be felt.

## **Views From the Road Assessment**

5.17 The impacts reported in Appendix 7.13 of the ES – Views from the Road Assessment are also considered to be underassessed in respect of the views from within and adjacent to the AONB, due to both an underassessment of sensitivity of the receptor and the predicted Magnitude of Change at construction, Opening and Design Year.

5.18 With regards to Viewpoint 1, in respect of the sensitivity of the receptor, the Assessment is considered to place too much emphasis on views being dominated by existing highway infrastructure, whereas views to either side of the highway are dominated by woodland, a key characteristic of the surrounding landscape character area and accordingly we consider the sensitivity to be High. As recognised at paragraph 1.6.11 of Appendix 7.13, the new view would be more open due to the tree loss. The assessed Magnitude of Change of minor adverse at all three stages is considered wholly underassessed, given the current enclosure of the currently separated eastern and west bound carriageways and replacement with fourteen to twenty lanes of carriageway opened up to view, with no softening of the effects as currently exists due to the wooded central reservation. It is the view of the AONB Unit that there would be Major adverse effects at

construction and Moderate adverse at Opening and Design year, which would represent a Large significance of effect.

5.19 We also consider the assessed level of magnitude of effect at Viewpoint 2, the location of the new junction, of moderate adverse at Opening Year and minor adverse at Design Year and corresponding assessed level of significance of slight adverse at Construction and Design Year significantly downplays the impact of the proposed complicated, multi-level raised junction on a site in the immediate setting of the Kent Downs AONB.

## **Significance of Effects**

5.20 Overall, the reduced level of sensitivity assigned to some of the receptors combined with an underassessed magnitude of effect in the Assessment has resulted in a downgrading of the assessed level of significance of impacts, including residual impacts, on the landscape character and visual effects of the Kent Downs AONB.

5.21 In respect of Significance of Effects, Tables 3.3 and 4.1 of Appendix 7.2 – Landscape and Visual Assessment Methodology, set out typical descriptors for significance of effect categories for the landscape and visual receptors, based on LA104 Table 3.7 (Highways England 2020b). These identify that a Very large and Large significance of effect are likely to be material in decision making, Moderate effects can be considered to be material while Slight or Neutral are not material. We would contend however that within a nationally designated AONB, adverse effects on an AONB do not have to be classed as ‘significant’ in order for the great weight applied in national policy to conservation and enhancement of AONBs to apply. For example, it is perfectly possible that ‘moderate’ and even slight adverse effects on an AONB are material in the decision-making process and may mean that the adverse effects of a proposed development outweigh the potential benefits.

## **6. MITIGATION**

6.1 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 remaining at Design Year. 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 with 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.

6.2 It is the view of the AONB Unit that additional mitigation measures should be provided to help try and further reduce the residual harm to the AONB, should the principle be accepted. Such measures could include:

- Additional mitigation and compensatory planting provided within the AONB boundary; while accepting that the mitigation measures result in a net increase in replacement habitat, much of this is proposed outside of the AONB boundary. Furthermore, it will take many years for the replacement to achieve the same level of landscape and/or ecological function as the lost element.
- More exemplary and visionary design of the green bridges at Thong Lane South and Brewers Lane. This would provide enhanced landscape connectivity as well as an

improved experience for recreational users and better ecological connectivity of the habitats north and south of the A2. While ongoing discussion between Natural England and National Highways has resulted in enhanced and improved design of the green bridges, they are still considered to fall somewhat short of their potential due to their restricted width which limits their potential mitigation in reconnecting the landscape and providing a high quality landscape for people.

- The replacement of the Park Pale Bridge with a green bridge. This would signal a gateway entrance to the AONB and provide improved experience for recreational users of the bridge that is crossed by public footpath NS161 and NCR 17 and only used by limited vehicular traffic.
- Additional Design Principles to help ensure reduction of impacts on the AONB as set out in Section 8.4 of this written representation.
- Further review and refinement of the proposed planting to ensure it is appropriate to the landscape character of the AONB. This should include increased woodland planting at various locations, such as in the semi-circle of land between the A2 and Park Pale overbridge slip road and to the south of the High Speed 1 Rail Line, and a review of the woodland planting proposed between Brewers Wood and Great Crabble Wood to maintain a more 'parkland' character in keeping with existing landscape character.

### **Nitrogen deposition mitigation**

6.3 Table 3.1 of the ES Appendix 5.6 Project Air Quality Action Plan ([link](#)) sets out the designated ecological sites where the Project is considered to have a significant effect without mitigation. Residual significant effects from nitrogen deposition (after consideration of mitigation) is predicted on 29 sites, totalling 176.4 hectares (ha) of significantly affected habitat.

6.4 It is notable that the vast majority of sites and overall area likely to be affected are located not only south of the river, but within the Kent Downs AONB and many of these are located on the actual escarpment of the North Downs, the main target of the original AONB designation. Out of the 176.4ha of land predicted to be affected, less than 19 ha would be north of the river, which equates to 89 percent of the impacts occurring south of the river, the vast majority of which would in the AONB, the remainder of which would be in its setting.

6.5 Despite this most of the compensation sites proposed in the DCO scheme are north of the river - 163 ha out of the 245ha proposed, or 67 percent. The amendments to the compensation sites proposed in the Design Refinements Consultation now further increase this disparity with the removal of one of the two proposed compensation sites in the Kent Downs and the significant reduction in the scale of the other which would result in just 43ha out of the total 205ha being provided south of the river which equates to just 21% of the total compensation land.

6.6 Given the huge disparity of effects that is predicted north and south of the river, the combined approach to mitigation for the entire scheme that has been adopted and consequent inequitable apportionment of compensation away from where impacts have been predicted to occur is considered wholly inappropriate. This is particularly so given that the rich and distinctive biodiversity habitats of the Kent Downs AONBs are specifically recognised as one of its Special Characteristics. This was a matter raised in our response to the Local Refinement Consultation in May 2022 and therefore it is particularly concerning that the current proposal would further reduce the proposed compensation within the AONB.

## 7. COMPENSATION

7.1 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 which requires that where unavoidable infrastructure schemes are located within the AONB, they will provide compensatory measures through benefits to natural beauty elsewhere in the AONB. It would also be consistent with the NPSNN which at 5.33 advises that *'When considering proposals, the Secretary of State should consider whether the applicant has maximised such opportunities in and around developments. The Secretary of State may use requirements or planning obligations where appropriate in order to ensure that such beneficial features are delivered.'*

7.2 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. None of these items represent compensation to the harm arising to the landscape and scenic beauty of the Kent Downs AONB however and constitute either essential/embedded mitigation for the infrastructure works or compensation for Ancient Woodland loss.

7.3 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 now proposed to significantly reduce the scale of compensation site such that it no longer represents a landscape scale enhancement nor is able to incorporate other proposed enhancements to the AONB as set out in the Design Principles document, including enhanced public access, screening of existing visual detractors in the landscape and interpretation and education boards. As such, this no longer constitutes AONB compensation.

7.4 While accepting that the mitigation measures result in a net increase in replacement habitat, much of this is proposed outside of the AONB boundary. Furthermore, it will take many years for the replacement to achieve the same level of landscape and/or ecological function as the lost elements. As the mitigation measures alone do not provide the scale of benefits to compensate for the overall impacts of the development on both landscape character and visual amenity, it is considered additional compensation measures are required to contribute towards helping offset the impacts on the Kent Downs AONB.

7.5 Compensation measures should directly respond to the statutory purpose of AONBs i.e. conserving and enhancing natural beauty and be designed to help offset both the construction and residual operational adverse impacts of the scheme, by strengthening the character of the surrounding landscape and mitigating the visual harm of the works in the A2 corridor and the new junction. It should provide for the landscape management actions identified in the Kent Downs Landscape Character Assessments, as well as appropriate interventions identified in the Kent Downs AONB Management Plan. In the main it is considered that such measures should focus on enhancements within the same Landscape

Character Area (West Kent Downs), although it may also be appropriate to extend compensation measures to land further afield in the AONB.

7.6 The concept of paying compensation for unavoidable harm to AONBs has long been established with examples including:

*Dorset AONB – Weymouth Relief Road Environment Fund (£200,000)*

7.7 This was matched by funds from the Heritage Lottery Fund resulting in the South Dorset Ridgeway Landscape Partnership. This landscape area is nationally important for its concentration of prehistoric monuments, and the programme enabled the survey of 410 monuments (and subsequent restoration of 25) alongside further built heritage restoration, natural heritage conservation, celebration, interpretation, education and skills development. In all over 28,000 hours of volunteer time were committed, 10,600 schoolchildren were engaged in Ridgeway-related learning, 500 metres of stone walls were rebuilt and tens of hectares of priority habitat were improved.

*Dorset AONB - the Wytch Farm Landscape and Access Enhancement Fund (£1.7M)*

7.8 Compensation was made available in response to identified residual impacts likely to arise from the continued operation of the Wytch Farm Oilfield until 2037 including on visual amenity and views and on the landscape character of the area. The overall residual impacts of the proposals to extend the life of the oilfield, for landscape character and visual amenity were assessed as Moderate Adverse. The residual impacts took into account all of the existing and proposed on-site mitigation measures, including land management. It is important to note that the compensation was in response to temporary impacts - on decommissioning and restoration of the oilfield adverse environmental impacts would be eliminated and the footprint of the oilfield sites restored.

*Chilterns and North Wessex Downs AONBs*

7.9 Network Rail provided £3 million as compensation for the visual impact of the installation of steel gantries as part of their electrification of the mainline between Reading and Didcott. The money is to be spent on landscape enhancement projects within the wider corridor of the electrification works.

*Cotswolds AONB*

7.10 National Grid provided £600,000 as compensation for the impacts of constructing a 44km gas pipeline between Wormington and Sapperton. The funding was used towards the rebuilding and reinstatement of dry-stone walls, climate change projects and community projects. As with the Wytch Farm Dorset AONB scheme, the impacts were temporary only as the pipeline was provided underground.

*Kent Downs AONB*

7.11 The principle has also been more recently accepted in respect of another highways scheme within the Kent Downs AONB. In respect of proposed works to J5 of the M20 (the A249 Trunk Road (Stockbury Roundabout Improvements) Order 2021, in her report to the Secretary of State for Transport, the Inspector determined that as the scheme would cause residual harm to landscape character and to visual receptors, it would fail to conserve and enhance the AONB, notwithstanding a proposed net increase in replacement habitat. On this

basis, as set out at paragraph 10.198 of the Report, she determined that a compensation payment was justified in policy terms<sup>12</sup> :

'Basis for payment in policy or law: I am satisfied, given the conclusions on residual harm, that there is a basis in policy SD12 to request compensatory measures. I am therefore satisfied that a request for such a payment in these circumstances is justified in policy terms.'

7.12 The Kent Downs AONB Unit has subsequently been working with National Highways to secure an appropriate package of compensation elsewhere in the AONB but nearby to the area affected by the scheme including the potential improvement of chalk grassland cross 35 ha plus pond formation and boundary planting at a Nature Reserve amounting to some £400,000, a monetary amount found to be commensurate with the scale of works by the Inspector.

7.13 The above examples demonstrate that there is a long-established precedent for providing compensation for unavoidable infrastructure schemes that impact on nationally protected landscapes, including for schemes where impacts are temporary only. Given the permanent harm that would result in the Kent Downs AONB as a result of the proposed highways infrastructure, a commensurate amount of compensation should be provided. The AONB Unit has welcomed some initial discussions with National Highways as to what appropriate compensation would be appropriate however is concerned that this matter has not been sufficiently progressed nor are any measures proposed to secure this included in the DCO application submission.

## **8. CONTROL DOCUMENTS**

8.1 The AONB Unit has concerns that, in the event of the principle of the Project being found acceptable, much of the detail of the scheme is proposed to be deferred to the post consent 'detailed design stage'. While it is proposed to use Control Documents to help secure appropriate design and mitigation, we have concerns that the documents are not sufficiently robust in their requirements and leave too much discretion to the appointed contractor(s) which could have significant detrimental consequences. It is not considered appropriate to defer so much detail given the need for an exceptionally sensitive and well-designed scheme south of the river due to the site's location within and adjacent to the nationally protected Kent Downs AONB.

### Design Principles Document

8.2 The AONB Unit has been consulted on various iterations of this document which contains measures that incorporate requirements appropriate to the site's location within/affecting the AONB. We are however concerned that many of the requirements are worded in such a way that they may not be complied with. This includes many references to 'where practical', 'where reasonably practical' and 'unless otherwise agreed'.

8.3 It is also considered that additional/amendments to the existing principles would further help mitigate impacts to the AONB :

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<sup>12</sup> Report to the Secretary of State for Transport Karen L Ridge LLB(Hons) MTPL Solicitor An Inspector appointed by the Secretary of State for Transport Date: 9 March 2021 on the A249 Trunk Road (A249 Trunk Road Stockbury Roundabout Improvements) Order 2021 [link](#)



**STR.03** Project Enhanced Structures – Given their location within the AONB, it is considered that the Thong Lane over the A2 Green Bridge and the Brewer’s Lane Green Bridge should be included as Project Enhanced Structures, as it is important that similar requirements for high quality aesthetics are also applied here.

**S1.07** Planting Palette – In order to limit the risk of disease that might be introduced through the introduction of plant stock, we consider it should be specified that only ‘plant healthy’ accredited stock be used. (To counter the threat from plant pests, Defra’s Plant Biosecurity Strategy for Great Britain (2014) proposed the development of certification schemes to improve biosecurity in the UK horticultural sector. The members of the Plant Health Alliance have produced the Plant Health Management Standard which is focused on UK ornamental and amenity horticultural businesses and organisations yet can also be adopted by international businesses.) Using indigenous species grown from seeds of local provenance to tie in with local vegetation should also be considered.

**S1.09** Park Pale Lane Screening – This proposes a 2 metre high acoustic barrier required between Park Pale Lane and the Inn on the Lake, along the south side of Park Pale Lane. It is our understanding however that the acoustic barrier has been removed from the scheme and we are concerned to see its retention as a Design Principle as we do not consider this to be an appropriate response to the sensitive setting and consider further guidance on design needs to be specified within the Design Principles if this is to be retained.

**S1.11** We consider there should be clarification that the screening of the Switching Station is to be through substantial woodland planting.

8.4 In addition, it is considered that the following further principles should be included in the S1 – A2/M2 Section:

- A requirement for fences within and adjacent the AONB to be cleft post and rail, as advocated in the Kent Downs AONB Landscape Design Handbook.
- A similar requirement to that proposed at S2.08 that the ponds and ancillary elements are designed to integrate with the landscape and avoid being overly engineered and urbanising features, with a greater diversity of planting than is currently proposed. As specified above this should include any fencing to be cleft post and rail.
- Minimising the use of metal crash barriers and looking at alternative designs where they are considered essential, such as tensioned steel cables or gabions with natural stone products such as flint and ragstone.
- Kerbs to be kept to a minimum, rumble strips or cats eyes to be used instead. Where kerbs are considered essential, these should be used flush to the ground.
- Gantries, signs and lighting columns to be minimised and sited and finished in a colour to minimise their impact on the landscape, having regard to the Kent Downs AONB Guidance on the Selection and Use of Colour in Development ([link](#)) and their size and height to be minimised to reduce impact.

#### Outline Landscape and Ecology Management Plan

8.5 We are generally supportive of the measures incorporated into the OLEMP, which has been developed with input from the AONB Unit. We are however very concerned not to be identified as a relevant Stakeholder with whom the LEMP is to be developed further (for proposals impacting the AONB) as set out at paragraph 1.13.

8.6 We also consider it should be specified which organisations are to be included in the Advisory Group referenced at 3.1, which should include the Kent Downs AONB Unit for proposals within or close to the Kent Downs AONB. This will however have resource implications; the amount of detail could place a significant resource burden on the AONB Unit. It will be important that the AONB Unit's input is fully funded.

## 9. CONCLUSION

9.1 The proposed Lower Thames Crossing will result in significant harm both during construction and in the long term to the special character and qualities of the Kent Downs AONB. The harm includes detrimental impacts to both the landscape and scenic beauty of this nationally protected landscape. The assessed level of harm as reported in the Environmental Statement, while including significant residual effects, is considered to be underestimated for both landscape and visual receptors in the AONB and the beneficial effects of mitigation on the AONB overstated in the submission.

9.2 National policy contained in the NPSS and NPPF is clear that there is a strong presumption against proposals such as that proposed in AONBs, unless it can be shown that there are compelling reasons for the enhanced capacity, with any benefits outweighing the costs very significantly and that consent should be refused in nationally designated areas except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Consideration of applications should include an assessment of the need for the development, the cost of, and scope for, developing elsewhere, outside the designated area and any detrimental effect on the environment and the extent to which effects can be moderated.

9.3 In assessing whether the Project complies with these stringent policy requirements, the AONB Unit is of the view that alternative ways of meeting the need for enhanced capacity that would not impact on the AONB, or would have lesser impacts than the proposed Project have been too readily discounted, such as alternative locations for the Crossing, or, in the event of the proposed crossing location being found acceptable, alternatives for dealing with the required utilities diversions.

9.4 While some mitigation measures are incorporated, these do not adequately moderate the significant levels of harm identified, with residual significant harm assessed to the AONB in the Environmental Statement. Nor is any compensation secured for the harm arising to the AONB from the proposed works. Should the principle be found acceptable, it is considered that additional mitigation measures at a landscape scale need to be provided within the AONB and commitments to compensations for harm to the special qualities of the AONB need to be secured, in line with requirements of the Kent Downs AONB Management Plan and help comply with national policy requirements for conservation and enhancement of the AONB.



Katie Miller MRTPI

Planning Manager, Kent Downs AONB Unit

17 July 2023