



**Written Representation  
for the  
Royal Society for the Protection of Birds**

**Submitted for Deadline 1**

**18 July 2023**

**Planning Act 2008 (as amended)**

**In the matter of:**

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

**Planning Inspectorate Ref: TR010032**

**RSPB Registration Identification Ref: LTC – AP1738**

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## **1. Introduction**

- 1.1 Further to the RSPB's submission of our Relevant Representation (RR 0942, 24 February 2023) we have considered the information presented by the Applicant to the Examination, with particular regard to the potential impacts of the proposal on the Thames Estuary and Marshes SPA and Ramsar sites (the SPA/Ramsar site). We have also considered the Applicant's proposals for temporary use and subsequent restoration of land we own at Shorne Marshes, Kent.
- 1.2 This Written Representation provides RSPB's current position on both of these matters. We will be reviewing additional submissions made to the Examination relating to these issues and may make further submissions.

## **2. Nature conservation issues relating to the Thames Estuary and Marshes SPA and Ramsar sites (the SPA/Ramsar site).**

- 2.1 Having reviewed the Environmental Statement (ES) including chapters 8 and 9 on terrestrial and marine biodiversity (APP-146 and APP-147), we are concerned about the risk of noise and visual disturbance to the intertidal habitats of the Thames estuary, including functionally linked land (FLL) as identified on Figures 1 and 2 in the Appendix A to the Habitats Regulations Assessment Screening Report and Statement to Inform Appropriate Assessment (the HRA) (APP-487).
- 2.2 Appendix A of the HRA shows usage of these mudflats by good numbers of waders and wildfowl, including black tailed godwit, dunlin and redshank amongst other species forming part of the assemblage of the SPA/Ramsar site (APP-487, Figures 11a-i). The Applicant accepts the potential for disturbance from the construction works and identifies a range of proposed mitigation measures (which are detailed in Section 7.1 of the HRA).

### [Noise and visual disturbance mitigation](#)

- 2.3 These measures include the construction and utilisation of noise attenuation measures, and reference is made to barriers and bunds. We have been unable to locate any substantive technical details (including drawings) of the design and construction of these measures. Additionally, we have been unable to locate any noise modelling which would provide an

understanding of the unmitigated and mitigated noise levels on the FLL. In the absence of this modelling, and further technical specifications, it is unclear how the suitability and effectiveness of the proposed noise mitigation measures can be properly determined. Therefore it is not currently possible to assess the extent to which the effects of noise on SPA/Ramsar birds using the FLL will be capable of mitigation.

2.4 We have requested the Applicant provides the above information to inform us and other interested parties on the potential impacts. This has not been forthcoming to date.

2.5 The measures proposed for noise mitigation are also expected by the Applicant to avoid visual disturbance to the FLL. Again, in the light of limited technical information on the barriers and bunds, together with suitable cross sections through the site, we cannot determine whether this is the case. The RSPB has requested the provision of proposed sections through the site to assist in determination of this issue.

#### Wetland habitat mitigation west of Coalhouse Fort

2.6 The proposal involves the creation of new wetland habitats west of Coalhouse Fort, as is described in HRA paragraphs 7.1.21 – 7.1.36.

2.7 The primary objective is to maintain baseline ecological functionality currently provided by the FLL associated with the SPA/Ramsar site (paragraph 7.1.23). We generally welcome the proposed habitat creation works, which provide an excellent opportunity to provide feeding and roosting habitats for the qualifying features of the SPA/Ramsar site. However, there are certain elements which require further information in order to assess whether the wetland habitat will be capable of supporting the waterbirds currently dependent on the FLL.

2.8 There remains uncertainty over the availability of water for the wetland habitat creation measure and we are unclear currently whether that has been resolved. This is described in paragraph 7.1.26 of the HRA and involves sourcing water either from the River Thames (via a new structure in the sea wall) or from the existing Coalhouse Fort moat system. The latter would require agreement from the landowners Thurrock Council.

2.9 Clearly this is a critical component and needs to be concluded and secured if it is to be considered effective mitigation.

2.10 We also raised in our Relevant Representation the issue of long-term sustainability of the habitats in this location, in the light of the condition of the flood defences and long-term sea-level rise. This is briefly mentioned in the HRA (paragraph 7.1.35) but we request

greater detail on the predicted consequences of a breach in terms of future habitat quality, management and the implications for the site in functioning as suitable mitigation.

### **3. Land at Shorne Marshes, Kent**

- 3.1 The RSPB has had several discussions with the Applicant regarding the temporary use of part of its landholdings at Shorne Marshes as a construction compound and subsequent restoration, identified by the Applicant as Milton compound (see APP-486, Plate 2.5) and by the Land Registry as parcels K825598 and K815371 (as listed as TB022 in the Register of Environmental Actions and Commitments (REAC) in APP-336).
- 3.2 The Applicant has developed a restoration plan for the land, which is briefly described in the ES (APP-140, paragraph 2.4.162 and APP-146, paragraph 8.5.59), upon which the RSPB has already provided initial comments. The ES provides a schematic of the restoration for this land (APP-162, Environmental Masterplan Section 4 Sheet 4), upon which we have very recently held internal discussions with our conservation ecologists and site managers.
- 3.3 We intend to meet the Applicant shortly to provide further feedback on the proposed restoration. We will provide the Examination with an update following this meeting at a future Deadline.