

# Written Representation on Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing

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Planning Inspectorate Reference: TR010032

Interested Party  
Owners of RK & D Shearer  
IP Ref: 20034215

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## 2. Executive Summary

- These are the written representations made by the Owners of RK & D Shearer (RKDS) in response to National Highways (Applicant) application for an Order Granting Development Consent for the Lower Thames Crossing.
- The principal areas of concern are:
  - Extent of Permanent Freehold Acquisition
  - Extent of Temporary Possession
  - Severance of Farm
  - Impact on Access to Farm
  - Impact on the Freehold of the Farm Buildings
  - Importance of Agriculture and Agricultural Land
  - Impact of new Public Rights of Way and Public Access
  - Impact on Great Clayne Farm

**Note: This executive summary is to be read alongside this document.**

### 3. Introduction

- 3.1. This document sets out the written representations by the Owners of RK & D Shearer (RKDS) in response to National Highways (Applicant) application for an Order Granting Development Consent for the Lower Thames Crossing.
- 3.2. RKDS are mainly concerned with arable farming with the main farming unit located adjacent to Gravesend Road, Gravesend, Kent and adjacent to the proposed southern tunnel portal. RKDS own 54.8 hectares and rent 62.39 hectares of farmland which are directly impacted by the Lower Thames Crossing (LTC) scheme.
- 3.3. RKDS own the freehold of land in title numbers K793428 (land on the south side of Rochester Road) and K852179 (land lying to the west of Filborough Farm) affected by the LTC. RKDS are also tenants of land at Filborough Farm (K811782) and Great Clayne Farm (K794941) which are also affected.
- 3.4. The extent of permanent land acquisition is 23.02 hectares of owned land and 12.66 hectares of tenanted land.
- 3.5. 54.23 hectares of owned and tenanted land are affected by temporary possession of land.
- 3.6. The Land plans plot references where RKDS have an interest include:  
 Owner: 13-10, 13-11, 13-12, 13-20, 13-21, 13-22, 13-23, 13-30, 13-34, 13-41, 13-42, 13-43, 13-44, 13-45, 13-46, 13-47, 13-48, 13-50, 13-53, 13-54, 13-55, 14-11, 14-13, 14-14, 14-16, 14-19  
 Tenant: 13-02, 13-04, 14-01, 14-04, 14-12, 14-20, 15-08
- 3.7. A summary of the land take requirements is provided below:

Title No.	Owned or Tenanted?	Total Title Area (ha)	Area in Dev Boundary (ha)	Permanent Acquisition of Land (ha)	Permanent Acquisition of Subsoil & Rights (ha)	Permanent Acquisition of Subsoil & Rights & Temporary Posses (ha)	Temporary Possession of Land (ha)	Temporary Possession of Land & Permanent Acquisition of Rights (ha)
K793428	Owned	41.49	41.49	23.02		0.68	17.67	0.13
K794941	Tenanted	56.03	47.43	12.66	0.10		34.66	
K811782	Tenanted	6.36	0.71		0.01		0.70	
K852179	Owned	13.31	8.69		0.03	7.46	1.20	
<b>Total</b>		<b>117.19</b>	<b>98.31</b>	<b>35.68</b>	<b>0.14</b>	<b>8.14</b>	<b>54.23</b>	<b>0.13</b>

3.8. A plan is provided below showing the various titles owned and tenanted by RKDS together with the location of the farm buildings affected by LTC.



## 4. Representations

### 4.1. Extent of Permanent Freehold Acquisition

RKDS have previously raised concerns with the Applicant over the extent and layout of the permanent acquisition. One of principal grievances is with the Landscape Design and the extent of land that is proposed to be permanently acquired and removed from agricultural production to facilitate the delivery of the Chalk Park. The concerns raised by RKDS are as follows:

4.1.1. The primary purpose of the scheme is to construct and deliver a road tunnel, not to acquire significant areas of land to create new country parks.

4.1.2. The importance of providing open space and new recreation links should not take precedent over the importance of agriculture and the impact on a local farming business.

4.1.3. Extending the Chalk Park northwards towards the farm buildings owned by RKDS and to Gravesend Road means that the RKDS retained agricultural land will be totally severed from the buildings and there has been no thought given to access within the design. This means that the current design leaves retained land with no practical means of access.

4.1.4. RKDS consider that the quantum of permanent land take is excessive and could be reduced if the design of LTC, particularly the Landscape Design, had been more carefully considered to reflect existing land ownerships, business interests and the importance of agriculture.

4.1.5. RKDS have previously suggested to the Applicant that the extent of permanent acquisition is reduced such that the freehold of the land-coloured green on the sketch in figure 1 (over page) is returned to RKDS (in addition to the land already identified) at end of the construction and reinstated to agricultural land, subject to the necessary rights of access being granted to the Applicant and any reasonable public rights of access retained.

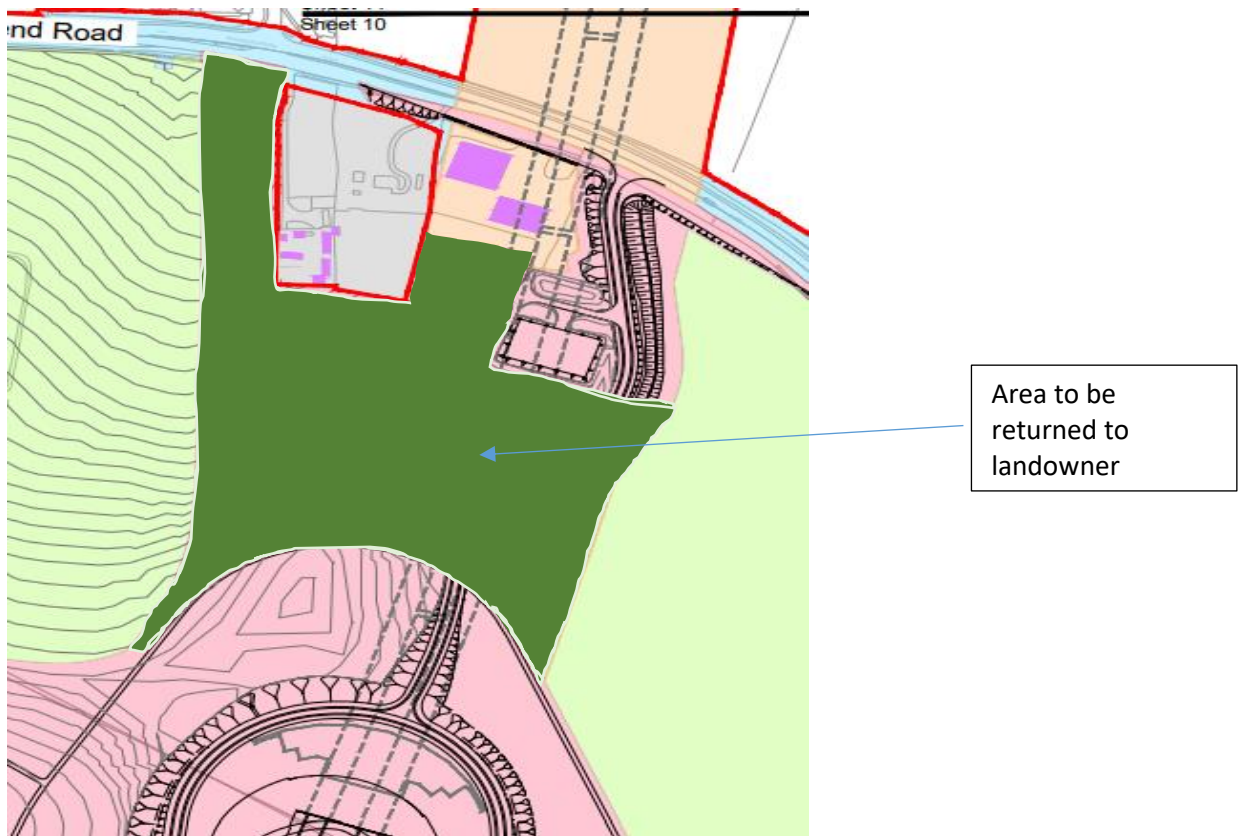


Figure 1: sketch showing reduced permanent land take

#### 4.2. Extent of land needed for Temporary Possession

4.2.1. RKDS considers that the extent of land identified for temporary possession (plots 13-04, 13-11 and 13-53) is excessive and the need has not been suitably proven. The Applicant has explained that the main reason for needing this quantum of land in this area is that it is required to provide storage (temporary and permanent) of the soil and chalk that will arise from the new cutting for the road.

4.2.2. The “Statement of Reasons Annex A – Schedule of Works” describes the purpose for which plots are needed. Plot 13-11 is required as “Temporary possession required for: Temporary construction compound at surface for facilitating main works at the A122 Lower Thames Crossing south portal and tunnel approach. Plot 13-04 is needed for “*Temporary possession required for: Construction of a new public right of way, including the upgrade of a section of the existing footpath NG7 from the new public right of way between the existing Thong Lane to the new Thong Lane bridge over the A122 Lower Thames Crossing and Thong Lane. Temporary construction compound at surface for facilitating main works at the A122 Lower Thames Crossing south portal and tunnel approach*”. There is no mention here of using this land for providing permanent storage of excess soil and chalk.

4.2.3. It has been suggested by the Applicant verbally during ongoing engagement, that perhaps the volumes of material that would need to be deposited on adjoining land were overestimated and that once a more refined assessment had been done, this could reduce the amount of land needed to accommodate chalk from the cutting. It is considered that the necessary investigations and design should have been undertaken earlier in the process to ensure that the DCO application could more accurately assess the land needed for temporary possession. Has there been any further work been done on this assessment?

4.2.4. There appears to have been very little work undertaken on establishing how agricultural land might be reinstated once it has been possessed, filled and re-profiled. It appears that the Applicant has not obtained specialist advice or reports on how this might be achieved. It has been suggested by the Applicant, that because this is a design and build project, it would be for the contractor to establish the methodology for reinstating agricultural land. Experience on other schemes where acquiring authorities have attempted to reinstate agricultural land has highlighted how difficult it is to achieve successful agricultural reinstatement, especially given the quantities of material that might be deposited on the land and the significant changes to natural profiles and drainage. Given there is a large area of land identified in the Landscape Design for agricultural reinstatement and given the significant impact this could have on RKDS, we consider that the Applicant should be engaging with specialists to establish whether the necessary reinstatement can be achieved and whether post-scheme the agricultural land will remain of the same or similar quality and versatility.

4.2.5. In summary, RKDS is concerned about the impact of infilling, re-profiling and earthworks on the agricultural land (both freehold and tenanted) which is identified for temporary possession and considers that the Applicant should provide greater assurances that the agricultural land will be returned in a similar condition, quality and versatility. RKDS considers that the Applicant should provide an expert report on agricultural reinstatement which is accompanied by drawings showing final post-scheme elevations and gradients of any land used on a temporary basis.

#### 4.3. **Severance of Farm**

As we have highlighted above the Landscape Design would result in the farm being totally severed. This severance is caused principally by the Chalk Park and RKDS considers that this is totally unnecessary and unjust as a more carefully designed Landscape Plan could have avoided this problem (see earlier comments under section 4.1). See the sketch in figure 2 over the page below showing the severed areas:



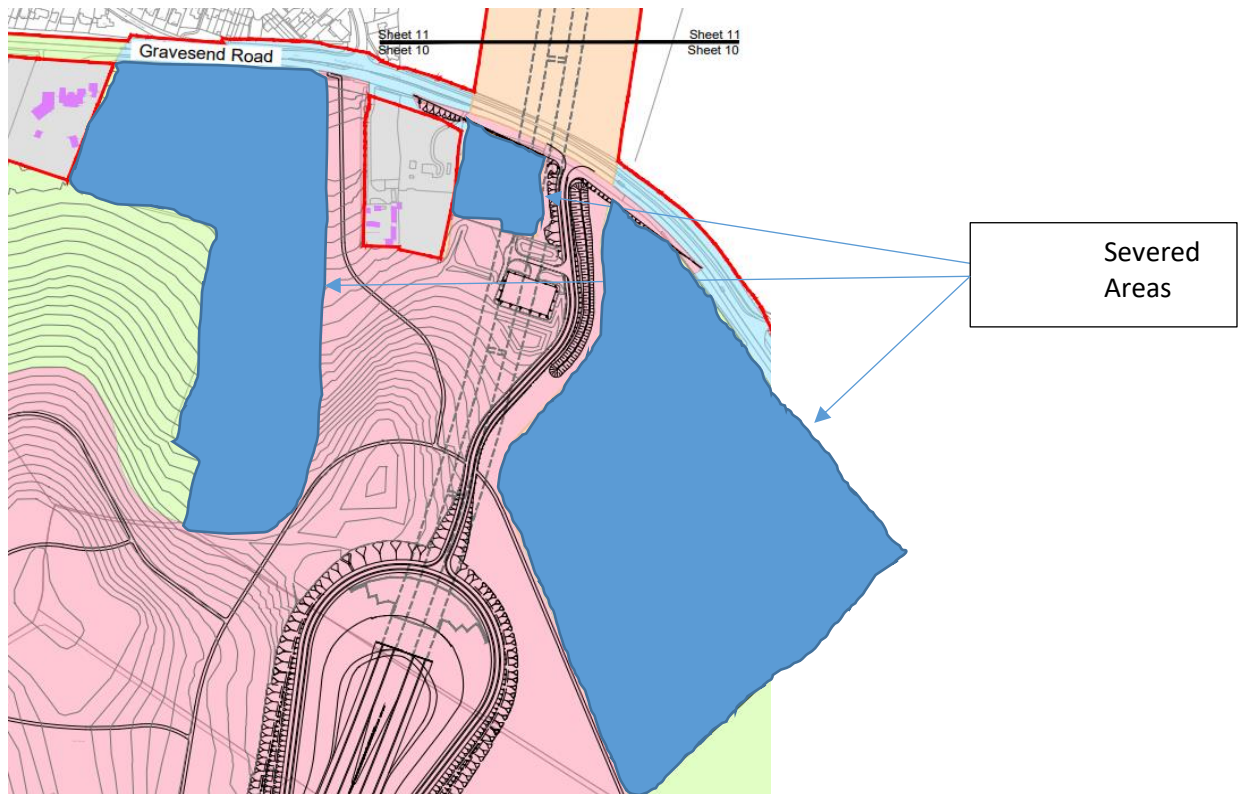


Figure 2: Sketch showing severed areas.

#### 4.4. Impact on Access to Farm

4.4.1. It has been explained previously by the Applicant that the existing access to the farm (title K793428) from Gravesend Road would be unaffected. It was highlighted to the Applicant that it is misleading that much of the previous consultation literature and design plans totally omit to show the existence of both the farm buildings and access. Whilst it is recognised that these might not have been shown on current ordnance survey maps, they should have been shown on design drawings and they should have been surveyed by the Applicant. The concern RKDS have is that stakeholders have not been given up-to-date design drawings and the Applicants have consulted using plans that don't show the correct mapping information.

4.4.2. RKDS considers that the Applicant should carry out a detailed survey of the farm buildings and access and provided suitable assurances in the form of engineered design drawings to demonstrate that the existing farm access from Gravesend Road is unaffected and adequate access is provided to and between the retained land.

#### 4.5. Impact on Freehold Farm Buildings

4.5.1. Discussions have taken place with the Applicant over the impact of the scheme, both during construction and permanently, on the buildings owned by RKDS. These buildings are the main buildings and facilities for the farming business and these buildings support a much larger agricultural holding area, covering both owned and tenanted land. It has previously been stated by the Applicant that *"these buildings are situated on land designated as subsoil rights with temporary surface rights. As such, they may be required temporarily for construction purposes (e.g., grouting a 'ground protection tunnel') but are*

*not required permanently. LTC will also monitor the buildings during construction for any physical impacts”.*

4.5.2. Assurances are needed from the Applicant as to whether the proposed restrictive covenants and permanent subsoil rights will impact the future use of the buildings.

4.5.3. RKDS are led to believe, as suggested above, that the buildings are only required for the grouting associated with the ground protection tunnel. It is understood that this grouting may not be needed. RKDS’s intention is that these buildings and the yard would still be fully utilised by RKDS during construction of the LTC. It is therefore important to understand, in the worst-case scenario, how long the grouting works might disrupt RKDS’s use of the buildings and whether the farm access might be disrupted.

4.5.4. RKDS also require assurances from the Applicant that the buildings and yard will only be temporarily occupied for the grouting and the Applicant would not seek to take possession of the whole site for the entirety of the construction period.

#### 4.6. **Importance of Agriculture and Agricultural Land**

The agricultural land in this area is classified as grade 2 and 3 on the Agricultural Land Classification Maps. This means it is good quality land and versatile and can grow a variety of crops. Agricultural land should be protected to maintain domestic food security. It appears that very little weight has been placed on the loss of agricultural land when this scheme was designed given the quantum of land that will be lost permanently to agriculture and replaced with open space and parks.

#### 4.7. **Public Rights of Way and Access**

The existing public rights in this area already give rise to persistent issues with anti-social behaviour involving motorbikes and quad bikes. This has been demonstrated since the Southern Valley Golf Course was closed and purchased by the Applicant. The Landscape Design incorporates numerous new public rights of way including bridleways which goes way beyond the existing public rights and this essentially contributes to an increased permanent land take requirement. It is considered that providing such extensive public rights of way goes beyond the purpose and scope of the scheme. It is ultimately the local residents and landowners that will suffer the burden of increased anti-social behaviour as these routes provide further access routes for motorbikes, quads and 4x4s which cause untold damage to the rural landscape and environment.

#### 4.8. **Impact on Great Clayne Farm**

This farm is tenanted by RKDS. RKDS have previously discussed the proposals from the Applicant to manage this land to provide mitigation for winter feeding wading birds. The current requirements set out by the Applicant are to maintain the land in grass leys between 1 October and 1 March in each year during construction. The requirements are only temporary. Whilst it is recognised that RKDS only occupies this land on a Farm Business Tenancy, RKDS would want assurances that there will be no permanent change of use of this land or restrictions on future management as the expectation is that this land will continue to be farmed by RKDS into the future. It is noted that this land is identified in the Land Use maps as land for Temporary Possession of Land only. We understand that possession of the land is not needed, simply temporary restrictions on management.