

3 August 2023

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

**A122 LOWER THAMES CROSSING (REF: TR010032)
DEADLINE 2 WRITTEN REPRESENTATIONS**

MELVILLE HAMILTON LOWE MOTT – AFFECTED PARTY REFERENCE: AP1308

C H L MOTT & M MOTT – AFFECTED PARTY REFERENCE: AP1369

THE OWNERS OF [REDACTED]: RR 2003579

On behalf of our above clients, the Mott family, we write further to Written Representations submitted to the ExA at Deadline 1 by Natural England where they have a bearing on land within our client's ownership.

As a general comment, in respect of matters related to ecological mitigation or related environmental issues, our client and ecology advisors acting on their behalf, reserve the right to make additional comments at the proposed Compulsory Acquisition Hearings.

We refer to Natural England's ('NE') submissions dated 17 July and use their headings and page numbers for ease of reference by the ExA:

Thames Estuary and Marshes Special Protection Area and Ramsar Site (pages 7/8)

We note that NE has requested an '*indicative detailed design for each water supply scenario that the project allows for the mitigation land at Coalhouse Fort*' (incl. site preparation, site management and site governance).

This land is in the freehold ownership of our client and given our client's standing objection to the loss of this land for these purposes, we request that if the Applicant should prepare any such detailed design that this is made available for further consideration by our client.

We would add that no interaction between our client, the Applicant and Natural England as to the justification for use of this land for this purpose has occurred at any time during the project design in respect of this land.

South Thames Estuary and Marshes Site of Special Scientific Interest (page 9)

We note that NE has requested '*greater clarity on the potential impacts to breeding bird species association with the South Thames Estuary and Marshes SSSI*'

We request that any further information that the Applicant may provide to NE is also provided to our client to inform any further representations they should wish to make to the ExA.

Acid Grassland (page 10)

We note that NE have suggested that the Applicant should be required to secure '*an increase in the compensation ratio for acid grassland by 2 hectares*'.

There is no acknowledgment of the likely impact on the loss of further land that such an increase would have on landowners already heavily impacted by the Applicant's mitigation proposals.

If the Applicant should propose any amendment to their current proposals, we would expect that these are fully consulted on with affected landowners and detailed justification provided for any amendment (particularly where land is already within the Order Limits). We refer the ExA to the representations submitted by the undersigned at Deadline 1 with reference to Article 2 of the Applicant's draft DCO and our concerns with the Applicant's ability to amend approaches to environmental effects during detailed design – which we take to be post DCO consent and issues we raise in that regard.

Biodiversity Net Gain (page 10)

We wish to record our concern as to the extent of land that could be lost if the Applicant is required to increase their minimum BNG to 10%.

We refer the ExA to our more general comments under our Deadline 1 representations submitted in respect of the draft DCO and our concern as to the loss of further land and the relationship with that which is absolutely necessary for the Scheme in terms of mitigation and those aspects which go beyond the reasonable expectation of additional environmental measures to be provided by the Scheme (paras 1.4 and 1.5 draft DCO representations dated 17 July Holland Land & Property).



Annex D: Overarching comments (page 12)

We note NE's comments under paragraph 1.1.2 and references to the cross Governmental responsibility to deliver on the Government's 25 Year Environment Plan. Whilst this is acknowledged, it must also be acknowledged that land also has a legitimate role to play in providing food, housing, employment – all of which can and in the case of development and the requirement to deliver BNG under the Environment Act, would also contribute to environmental objectives.

Any increase in the loss of land for the Applicant's Project will also have a converse impact on policy objectives for those other uses of land and in our opinion, the Project cannot be asked to look only at its contribution to the 25 Year Environment Plan; it must also consider its impact on the delivery of other Government policy objectives.

4.2 Impacts to land functionally linked to the Thames Estuary and Marshes Special Protection Area and Ramsar Site

We note the reference under 4.2.5 to baseline surveys in respect of the land at Coalhouse Fort (in our clients ownership). We have recently asked the Applicant for baseline survey data specific to our clients land (and that in the ownership of others we represent) and with reference to the calculation of biodiversity net gain unit measurements. However, we have been told that:

The metric is run at a project-scale because it is a comparison of baseline and project intervention values. This takes into account project-wide impacts and the landscape-scale mitigation and compensation proposals we have in place to offset those adverse effects.

We have calculated metric scores for south of the river and north of the river, as this aligns with our assessment of likely significant effects which is also divided into those two geographical regions, but we have not broken it down any further.

To answer your specific request, this does mean that baseline data is not available on an individual landowner basis.

We are concerned that the baseline data is not available for land that is within individual ownerships not least as it leads to the question as to how the cumulative conclusions have been reached. In our opinion, if this is the case and we suggest further clarification is sought from the Applicant, how the justification for use of land can be fully assessed on an individual basis?

We also have a further concern, that if land is put to the purposes proposed by the Applicant and referring to NE's comments at paragraph 4.2.7, how can it be satisfied that the proposed use will produce the desired outcomes? If it does not, then it risks the unnecessary loss of land from our client (and other landowners).

The substantive issues set out by NE at paragraph 4.2.10 also require scrutiny by our client, where further information/justification is provided by the Applicant.

7. Natural England's work considering a potential SSSI notification in the Tilbury area

We note NE reference to the above project, on which our client and other landowners/stakeholders are engaged in ongoing discussions. That separate matter continues.

However, in the context of the Applicant's proposals, we note NE's repeated reference to pulverised fly ash ('PFA') under their section 7.

Whilst NE have referred to uncertainty over the extent and volume of PFA that may exist on the ground at the point at which the Applicant would take land within the Order Limits under their paragraph 7.2.14, we also draw the ExA's attention to the fact that in respect of our client's land where PFA is present 'Ashfields C1-C3', the vast majority of PFA is subject to an approved scheme of extraction and subsequent land restoration with inert material.

We therefore question any reference to PFA (whether by the Applicant or NE/other stakeholders) as having any significant future contribution in respect of our client's land. Put simply, other than that required to remain in situ under the Environment Agency's Environmental Permit, the great majority of PFA has been and will have been extracted prior to the construction of the Project.

We also take from NE's representations that there may be a general working assumption by the Applicant that the proposed SSSI designation would take effect.

We would politely remind the ExA and the Applicant that SSSI designation is not a given position and remains the subject of further engagement between NE and stakeholders. The Applicant's Project should therefore fully recognise that SSSI designation is not in place and that it should not assume this in reaching its own mitigation conclusions or indeed in seeking to put mitigation proposals in place that seek to meet SSSI objectives which in their own right may go beyond that which is absolutely necessary for the Applicant's Project.

8.2 Acid Grassland

With reference to NE's general comments on the Applicant's proposals for Acid Grassland mitigation, we reserve the right to consider in more detail any further information or submissions by the Applicant in seeking to address NE's requests for further commitments from the Applicant; particularly where these have a direct bearing on land proposed to be acquired from our client.

We look forward to working with the ExA and the Applicant during the Examination to address the above issues.

Yours faithfully



M R Holland MRICS
Director
HOLLAND LAND & PROPERTY LTD
(Agents for the above-named Affected Parties)

c.c. The Mott Family
Tim Goodwin, Ecology Solutions (acting for the Mott Family)

