



**Submission
for the
Royal Society for the Protection of Birds**

Submitted for Deadline 3

24 August 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

Contents

1. Introduction
2. Response to National Highways' Comments on RSPB Written Representation (REP1-278)
3. Other Matters
4. Issue Specific Hearing 6 (ISH6): Mitigation, Compensation and Land Requirements

1. Introduction

- 1.1 In this Submission we provide a response to National Highways' comments on our Written Representation (REP1-278), comments on other matters relating to our position and confirm our wish to participate in Issue Specific Hearing 6 (ISH 6) on 8 September 2023.

2. Response to National Highways' comments on RSPB Written Representation (REP1-278).

- 2.1 The Applicant provides its response in 9.53 Comments on Written Representations, Appendix G – Parish Councils, Organisations and Groups (REP2-052). We have adopted the Applicant's sub-headings.

Concerns regarding noise and visual disturbance of the Thames Estuary and Marshes Special Protection Area/Ramsar and FLL

- 2.2 In our Written Representation we stated our concern 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 Appendix A to the Habitats Regulations Assessment Screening Report and Statement to Inform Appropriate Assessment (the HRA) (APP-487). In particular we highlighted our concerns regarding the lack of detail provided for the proposed noise and visual disturbance mitigation measures associated with construction of the North Portal, and especially the absence of technical specifications and noise modelling.
- 2.3 The Applicant directs us to sections and figures within the HRA (APP-487). We have not had sufficient time to investigate all of the references provided to date but on conclusion will provide any further comments to the Examination.
- 2.4 The Applicant confirms that "some" design information is included within the HRA but that detailed design "will be developed as necessary as the contractor develops their detailed design for construction of the Project". It remains the RSPB's current position that this information is necessary now to inform the conclusion to be made on the efficacy of the proposed noise and visual disturbance attenuation mitigation measures.

Coalhouse Point Mitigation Area Water Supply

- 2.5 We welcome direction to the Technical Note Coalhouse Point Mitigation Progress Update dated 30 June 2023 and incorporated at Annex C.13 of the Statement of Common Ground (SOCG) between National Highways and Natural England (Version 2, submitted at Deadline2, REP2-008). We are grateful for the opportunity to review this. At this Deadline we have been unable to conclude our review. We will provide any additional comments to the Examination at a future deadline.

Land at Shorne Marshes

- 2.6 Discussions are ongoing on the temporary use and subsequent restoration of this land (the Milton compound). A meeting was held with representatives of the Applicant on 15 August 2023, where progress was made regarding the design of the restoration. Further engagement with the Applicant is anticipated and we will inform the Examination of progress at a future deadline.

3. Other matters

- 3.1 We have also reviewed 9.53 Comments on Written Representations Appendix A – Statutory Environmental Bodies (REP2-046), in which the Applicant provides comments on Natural England’s Written Representation (REP1-262).
- 3.2 We note the commentary “The Applicant does not agree with Natural England that the information within the DCO application is insufficient to be certain of the conclusions of the Environmental Assessments. The Applicant does not consider that greater detail of design at this stage is desirable or appropriate and that the objectives of ecological mitigation and compensation are adequately secured in the control documents” (REP2-046, page 9). The securing mechanism issue is also a “Matter Not Agreed” within the SOCG (REP2-008, Item 2.1.102, DL2, RRN).
- 3.3 The RSPB agrees with Natural England’s position as expressed in their Written Representation on these issues and will review further submissions made by Natural England and the Applicant at this Deadline 3.

4. Issue Specific Hearing 6 (ISH6): Mitigation, Compensation and Land Requirements

4.1 We have considered the Agenda recently published by the Examining Authority for the above and would like to confirm our wish to participate. Our primary focus is on items 3, 8 and 9 of the Agenda.