

Lower Thames Crossing

7.2 Planning Statement Appendix D Open Space (Clean version)

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Appendix D Open space and common land

D.1 Introduction

- D.1.1 This appendix considers the planning issues associated with the provision of replacement land arising from the acquisition of open space and common land and the acquisition of permanent rights over that land as a result of the Project. The land acquisition of open space and common land (and specifically the tests in sections 131 and 132 of the Planning Act 2008) is also presented in Chapter 7 of the Statement of Reasons [[REP1-049](#)].
- D.1.2 As described in Chapter 3 of this Planning Statement and Chapter 7 of the Statement of Reasons [[REP1-049](#)], the Project would result in the loss of existing open space land (either permanently, or through the permanent acquisition of rights) that is either currently public open space or common land.
- D.1.3 This appendix should be read alongside ES Chapter 13: Population and Human Health [[APP-151](#)] which contains an assessment of impacts of the Project on population and human health during its construction and operational phases. The assessment shows the impact of the Project on accessibility, opportunities for cycling, walking and the use of open space for recreation and physical activity (as well as ‘community land’ which is wider than the definition of ‘open space’) and outlines the embedded mitigation measures to reduce these effects, which include replacement land discussed within this Appendix 6: Open Space of the Planning Statement. The cumulative impact on human health is also considered in the Health and Equalities Impact Assessment (HEqIA) [[APP-539](#)].

D.2 Planning Act 2008

- D.2.1 As mentioned above, the land acquisition aspects and the application of sections 131 and 132 of the Planning Act 2008 are also presented in the Statement of Reasons [[REP1-049](#)]. Notwithstanding, a summary of sections 131 and 132 of the Planning Act 2008 is provided below.
- D.2.2 Section 131 applies to the compulsory acquisition of any open space, common land, fuel or field garden allotment. Section 131(3) states that the compulsory acquisition of that land will be subject to the special parliamentary procedure unless the Secretary of State (SoS) is satisfied that one of subsections (4) to (5) applies. Subsection (4) applies to the Project in that replacement land is to be offered in exchange and this replacement land will be vested with the same rights, trust and incidents as apply to the Order Land.

- D.2.3 Replacement land is defined for the purposes of section 131 as:
- “replacement land” means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.’*
- D.2.4 Subsection (4B) applies to the Project in that, where no replacement land is to be offered, the order land is, or forms part of, an open space and the order land is being acquired for a temporary (although possibly long-lived) purpose.
- D.2.5 Subsection (5) also applies to the Project in that, where no replacement land is to be offered, the order land does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.
- D.2.6 Section 132 relates to the acquisition of rights over open space, common land, fuel or field garden allotment and broadly follows the same approach as Section 131. Subsection (4) equally applies to the Project in that replacement land is to be offered in exchange and this replacement land will be vested with the same rights, trust and incidents as apply to the order land. In addition, for some sites, section 132(3) applies (i.e. the land will be no less advantageous to the relevant persons when burdened with the order right).
- D.2.7 Replacement land is defined for the purposes of section 132 as follows:
- “replacement land” means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right—*
- a. the persons in whom the order land is vested,*
 - b. the persons, if any, entitled to rights of common or other rights over the order land, and*
 - c. the public.’*
- D.2.8 Subsection (4B) applies to the Project in that, where no replacement land is to be offered, the order land is, or forms part of, an open space and the order right is being acquired for a temporary (although possibly long-lived) purpose.
- D.2.9 For the purposes of sections 131 and 132 of the Planning Act 2008, open space, common land and fuel or field garden allotment are defined as having the same meaning as section 19 of the Acquisition of Land Act 1981.

- D.2.10 The Acquisition of Land Act 1981 in turn defines these terms as follows:
- a. “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,
 - b. “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,
 - c. “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.’

D.3 Policy context

National policy

- D.3.1 There is specific policy guidance in relation to a wider category of land including open space, sports and recreational land and buildings in the NPSNN (DfT, 2014). In relation to the loss of these sites, paragraph 5.166 of the NPSNN states the following:

‘Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority’s assessment of need for such types of land and buildings.’

- D.3.2 Paragraph 5.174 of the NPSNN relates to the grant of consent for development on open space land and states the following:

‘The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.’

- D.3.3 Paragraph 5.181 of the NPSNN relates to the mitigation of adverse effects in order to be granted consent for development for development on open space land and states the following:

‘The Secretary of State should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for example, to provide exchange land and provide for appropriate management and maintenance agreements. Any

exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where Sections 131 and 132 of the Planning Act 2008 apply, any replacement land provided under those sections will need to conform to the requirements of those sections.'

- D.3.4 The Overarching National Policy Statement for Energy (EN-1) (NPS EN-1) (Department of Energy and Climate Change (DECC, 2011) contains materially the same thresholds. Paragraphs 5.10.6, 5.10.14 and 5.10.21 are set out below.

'Applicants will need to consult the local community on their proposals to build on open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements.'

'The IPC should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements or the IPC determines that the benefits of the project (including need), outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities. The loss of playing fields should only be allowed where applicants can demonstrate that they will be replaced with facilities of equivalent or better quantity or quality in a suitable location.'

'The IPC should also consider whether mitigation of any adverse effects on green infrastructure and other forms of open space is adequately provided for by means of any planning obligations, for example exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness and quality and, where possible, at least as accessible. Alternatively, where Sections 131 and 132 of the Planning Act 2008 apply, replacement land provided under those sections will need to conform to the requirements of those sections.'

Local policy

- D.3.5 It is acknowledged that, although the local planning authorities within which there are areas of public open space and common land affected by the Project have their own local planning policies, these do not form the primary basis of

policy assessment for the Project. It is important to emphasise that the directly relevant policy assessments are against the National Policy Statements.

- D.3.6 Further details on the local authority policy review are also available in Appendix C of the Planning Statement.

Gravesham Borough Council

- D.3.7 The Open Space Assessment Report prepared for Gravesham Borough Council in April 2016 provides information relating to the condition, distribution and overall quality of areas of open space within the Borough.

- D.3.8 Policy CS12 (green infrastructure) of Gravesham Borough Council's Core Strategy (2015) states, among other things, that a network of green spaces, footpaths, cycle routes and wildlife stepping stones and corridors will be created, protected, enhanced and maintained. The network will improve access within the urban area, from the urban area to the rural area, and along the River Thames.

- D.3.9 Policy CS13 (green space, sport and recreation) of the Gravesham Borough Council's Core Strategy (2015) states that the Council will seek to make adequate provision for, and protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities, in accordance with an adequate, up to date and relevant evidence base.

Thurrock Council

- D.3.10 The Community Needs and Open Spaces Study prepared for Thurrock Council (no publication date) provides an assessment of the current and future open space provision in the borough.

- D.3.11 Policy CSTP20 (open space) of Thurrock Council's Core Strategy and Policies for Management of Development 2015 states that the Council will seek to ensure that a diverse range of accessible public open spaces, including natural and equipped play and recreational spaces is provided and maintained to meet the needs of the local community.

- D.3.12 Policy PMD5 (open spaces, outdoor sports and recreational facilities) of Thurrock Council's Core Strategy and Policies for Management of Development 2015 states that the Council will safeguard all existing open spaces, outdoor sports and recreational facilities. It goes on to note that development proposals that would result in complete or partial loss will not be permitted unless conveniently located and accessible alternative facilities of an equivalent or improved standard will be provided and proposals would not negatively affect the character of the area and/or the Greengrid (Greengrid aims to develop multi-functional green spaces that connect the town and countryside within Thurrock and throughout South Essex). The policy notes that any alternative

and improved facilities should be available to use before an existing open space or facility is lost.

London Borough of Havering

- D.3.13 The Open Space Assessment Report prepared for the London Borough of Havering in 2016 describes what open space provision exists in the area, its condition, distribution and overall quality.
- D.3.14 Policy 18 (open space, sports and recreation) of London Borough of Havering's Local Plan 2016 – 2013 (adopted 2021) states that the Council seeks to ensure that all residents of Havering have access to high quality open space, sports and recreational facilities. To achieve this the Council will continue to protect the borough's designated open spaces and existing sports and recreation facilities from development unless it can be demonstrated that replacement provision of equivalent or better quantity and quality will be made in a suitable location.
- D.3.15 The Policy G4 (open space) of The London Plan (Greater London Authority, 2021) notes that development proposals should not result in the loss of protected open space and where possible create areas of publicly accessible open space particularly in areas of deficiency.
- D.3.16 Policy S5 (Sports and recreation facilities) of the London Plan notes that existing sports and recreational land and facilities for sports and recreation should be retained unless: 1) an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements; or 2) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or 3) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

D.4 Assessment methodology

- D.4.1 This appendix of the Planning Statement principally assesses the Project's impacts on public open space and common land under two separate tests relating to the policy test under the National Policy Statements and the statutory test under sections 131 and 132 of the Planning Act 2008.
- D.4.2 Where replacement land is to be provided, the five factors noted in paragraph 5.181 of the NPSNN (DfT, 2014) (i.e. size, usefulness, attractiveness, quality and accessibility) form the primary consideration for assessing whether the replacement land is equivalent or better provision in terms of quantity and quality in a suitable location for the purpose of the test contained in paragraph 5.166 of the NPSNN. The same factors are used to assess whether the

replacement land is *no less advantageous* for the purpose of the test contained in the sections 131 and 132 of the Planning Act 2008.

D.5 Open space / common land (replacement land to be provided)

D.5.1 Areas of public open space proposed to be permanently acquired or subject to permanent rights, in respect of which replacement land is provided, is presented in Table D.1. An explanation of how sections 131 and 132 of the Planning Act 2008 apply, and the exemptions relied on is also set out in the Statement of Reasons [[REP1-049](#)].

Table D.1 Open space and common land (replacement land provided)

Location and reference	Amount of land impacted	Description	Project's proposal on land
Shorne Woods Country Park (Plots 03-14, 04-88, 04-96, 04-103, 04-144, 04-145, 04-250, 04-254, 04-264, 04-265, 04-274)	2.88 hectares	Located immediately to the north of the A2, with vehicular access off Brewers Road. The Country Park covers an area of approximately 120 hectares. Facilities include a visitor centre, café, toilets and a gift shop and there are a variety of walking trails and two adventure play areas.	<ul style="list-style-type: none"> • Permanent acquisition for new A2 eastbound link road, new Thong Lane bridge over A2 and new local road (Works Nos. 1C, 1H, 1M) • Temporary possession and permanent acquisition of rights for gas and multi-utility and temporary utility works (Works Nos. G1a, G1b, MU1, MU7, MU10, MUT1) • Temporary possession and permanent acquisition of rights for implementation of environmental mitigation works to create a site for protected species (Works No. E4) • Temporary possession to facilitate the construction of the works (Works Nos. 1H, G1a)
Tilbury Green (Plots 20-63, 20-75, 20-76, 23-106, 23-120)	1.59 hectares	Registered common land, which the public has a right of access over. The land has an area of 1.59ha. The northern half of Tilbury Green forms part of Public Footpath 200. The southern half runs through the active Ingrebourne Valley Limited (IVL) landfill site.	<ul style="list-style-type: none"> • Permanent acquisition for new A122 Lower Thames Crossing, new operational access, new drainage attenuation pond, new Public Rights of Way, new landforms and new habitat creation (Works Nos. 5B, 5E, 5F, 5I, 5U, 5X, E14) • Temporary possession and permanent acquisition of

Location and reference	Amount of land impacted	Description	Project's proposal on land
			rights for new Public Rights of Way and multi-utility works (Works Nos. 5U, MU27)
Ron Evans Memorial Field (Plots 29-02, 29-03, 29-04, 29-09, 29-282, 29-283, 33-18, 33-19, 33-35)	15.90 hectares	Located south-west of the A13/A1089 junction. The Memorial Field has a number of formal and informal footpaths passing through it, including Footpath 97 running in a north-east direction from Long Lane. The site is accessed off Long Lane and Fairfield Way through two Public Rights of Ways. The field is well used for recreational purposes by local residents.	<ul style="list-style-type: none"> • Permanent acquisition for new A13 westbound link roads, new A122 Lower Thames Crossing link roads and new Public Right of Way (Works Nos. 7E, 7F, 7Z) • Temporary possession and permanent acquisition of rights for overhead lines and multi-utility and temporary multi-utility works (Works Nos. OH6, OH7, OHT6, MU54, MU55, MU56, MU57, MUT20) • Temporary possession and permanent acquisition of rights for implementation of environmental mitigation works to create a site for protected species (Works No. E30) • Temporary possession to facilitate the construction of the works (Works No. MU57)

Location and reference	Amount of land impacted	Description	Project's proposal on land
<p>Orsett Fen (Plots 35-13, 35-14, 35-39, 37-01, 38-55, 38-58)</p>	<p>52.31 hectares</p>	<p>Orsett Fen is registered as common land. Located to the north-west of the village of Orsett and east of the Mardyke. Orsett Fen has two Public Rights of Way passing through it, the Bridleway 219 along the Mardyke and the Footpath 90 through the centre of the fen. The site is currently used for agricultural purposes to grow crops.</p>	<ul style="list-style-type: none"> • Permanent acquisition for the new A122 Lower Thames Crossing, new Public Right of Way, new attenuation drainage pond and access road, new flood compensation area and new habitat creation (Works Nos. 8A, 8B, 8G, 8J, 8K, FCA2, FCA3, E35, E36) • Temporary possession and permanent acquisition of rights for overhead lines works (Works No. OH7) • Temporary possession and permanent acquisition of rights for a new flood compensation area (Works No. FCA3) • Temporary possession and permanent acquisition of rights for new habitat creation (Works No. E36)
<p>Thames Chase Forest Centre (Plots 43-07, 43-08, 43-09, 43-10, 43-18, 43-19, 43-22, 43-23, 43-24, 43-25, 43-27, 43-28, 43-31, 43-33, 43-35, 43-39, 43-104, 43-105, 43-106, 43-107, 43-108, 43-109, 43-110, 43-111, 44-08, 44-12, 44-51, 44-64)</p>	<p>18.89 hectares</p>	<p>Located either side of the M25 north of Ockendon Road. The site consists of open fields, walking tracks and a mix of vegetation including memorial trees. The site is accessed by a main vehicle entrance off Pike Lane into a carpark. There is also pedestrian access off Pike Lane through Cranham Golf Course, under the M25 through culvert. On the west side of the M25 there is pedestrian access off Ockendon Road along a Public Right of Way.</p>	<ul style="list-style-type: none"> • Permanent land acquisition for new A122 Lower Thames Crossing, improvement of existing link road and M25, new Public Right of Way and new drainage attenuation pond (Works Nos. 9A, 9C, 9D, 9E, 9O, 9R) • Temporary possession and permanent acquisition of rights for overhead lines and multi-utility works (Works Nos. OH8, MU72, MU78) • Temporary possession and permanent acquisition of rights for implementation of environmental mitigation works to create a site for protected species (Works No. E46) • Temporary possession for landscaping reinstatement, new permissive path and working room to facilitate the construction and utilities

Location and reference	Amount of land impacted	Description	Project's proposal on land
			works (Works Nos. 9E, 9O, MU72)
Folkes Lane Woodland (Plots 46-04, 46-06, 46-08, 46-09, 46-11, 46-12, 46-13, 46-18, 46-26, 46-55, 47-26)	4.29 hectares	Located west of the M25, north of junction 29. The site consists of open fields, walking tracks and a mix of vegetation.	<ul style="list-style-type: none"> • Permanent acquisition for improvements to M25 (Works No. 9E) • Temporary possession and permanent acquisition of rights for gas and multi-utility works (Works Nos. G10, MU92) • Temporary possession and permanent acquisition of rights for implementation of environmental mitigation works to create a site for protected species (Works No. E51)

D.5.2 The loss of open space detailed above comprises land that was laid out as a public garden or used for the purposes of public recreation. The common land described above has its status as 'common land' by virtue of the Commons Act 2006.

D.5.3 The parcels of replacement land identified in this appendix are shown on the Special Category Land Plans [[REP1-018](#) to [REP1-022](#)] and the accompanying text presents the proposals for replacement land in accordance with the requirements of the NPSNN policies (DfT, 2014).

D.5.4 It is necessary to consider in more detail the value of the existing open space land and the impact on its functionality in land use terms due to the requirement for permanent acquisition for the Project. The following sections therefore consider the existing use of the sites and the Project's impacts on the sites, then explain how the requirements of the NPSs and sections 131 and 132 of the Planning Act 2008 are satisfied, and consider any other potential relevant information such as the local planning policies of the local planning authorities.

Shorne Woods Country Park

Existing site and context

D.5.5 Shorne Woods Country Park is located immediately to the north of the A2, with vehicular access off Brewers Road. There are no rights of common over Shorne Woods Country Park. The Country Park covers an area of 119ha and is managed and maintained by Kent County Council. Facilities include a visitor

centre, café, toilets and a gift shop. There are a variety of walking trails and two adventure play areas.

- D.5.6 The Country Park scored high against quality indicators in the Gravesham Borough Council Open Space Assessment (April 2016) and was recognised as being attractive, well maintained and offering good quality ancillary facilities. It is designated as public open space by Gravesham Borough Council, Kent Country Council and the Department for Environment, Food and Rural Affairs (Defra).

The Project's impact

- D.5.7 **Area A:** Permanent acquisition of Shorne Woods Country Park (4,408m²) would be required to construct and operate the new A2/Lower Thames Crossing local collector roads and for the extension and realignment of Thong Lane with the new green bridge over the A2 (Plots 04-88, 04-144, 04-250, 04-264, 04-265). The Project proposes to provide replacement land.
- D.5.8 **Area B:** Temporary possession of land and permanent acquisition of rights for the diversion of a medium pressure gas main and the installation and diversion of underground utilities (electricity and telecommunications networks) would be needed adjacent to the existing A2 (10,626m²) (Plots 03-14, 04-274). Some vegetation clearance would be required to deliver the works. A 12m-wide easement (including planting restrictions to avoid damage to gas pipes) would also be imposed over the diverted gas main to enable access for the operation and maintenance of the asset. Given the land affected is woodland, this would result in a different character for the order land when burdened with the order right. The Project proposes to replace the order land burdened with the order right.
- D.5.9 **Area C:** Temporary possession of land and permanent acquisition of rights is also needed for the management of a proposed receptor site for protected species and a new habitat site for relocated species (12,690m²) (Plot 04-145). The environmental mitigation proposed in this location does not require any vegetation clearance and public access to the area would be retained. Therefore, the Project does not propose to provide replacement land.
- D.5.10 **Area D:** Temporary possession of land (1,030m²) at the peripheral edges of the park would be needed during the construction period to allow working room for construction activities (Plots 04-96, 04-103, 04-254). The Project does not propose to provide replacement land.
- D.5.11 The above sub-areas alongside notable features of the existing site are shown in Plate D.1 Existing Special Category Land – Shorne Woods Country Park.

Assessment of Areas A and B

- D.5.12 There is no local authority or independent assessment which identifies Shorne Woods Country Park as being surplus to requirements. The loss of land at the existing Shorne Woods Country Park would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- D.5.13 The Project proposes replacement land (Plots 03-43, 03-54, 03-85) to the east of the existing Shorne Woods Country Park, north of the A2, between Brewers Wood and Great Crabbles Wood, totalling 19,126m². Kent County Council is satisfied with the replacement land in principle (Statement of Common Ground (SoCG) between National Highways and Kent County Council [[REP1-103](#)]). The replacement land, as shown in Plate D.2 Existing and Replacement Special Category Land – Shorne Woods Country Park would:
- a. be no less in area because the amount of land impacted (and for which replacement is being provided) is 15,034m² and the replacement land is 19,126m². The area which is being provided takes into account that the replacement land is anticipated to become available for public use four years after the existing parts of Shorne Woods Country Park are impacted by the Project, except that some areas of new planting/habitat may be fenced off to allow for them to mature. The new planting/habitat is generally anticipated to have a maturity period of five years. That planting/habitat (as well as the other factors) ensures that the replacement land is no less advantageous.
 - b. be as or more accessible to the public than the existing land at Shorne Woods Country Park to be permanently acquired or subject to permanent rights. The replacement land is accessible from the existing Shorne Woods Country Park via the adjoining Brewers Wood, which together with Shorne Woods Country Park and other woodland sites make up Shorne and Ashenbank Woods. The replacement land would improve accessibility by supporting a new connection between Brewers Wood and Great Crabbles Wood, east of Shorne Woods Country Park. By providing a link between Shorne Woods Country Park, Brewers Wood and Great Crabbles Wood, the replacement land would connect parcels of woodland which are currently fragmented. As a result, Shorne Woods Country Park would be more accessible off The Ridgeway, Bowesden Lane and Park Pale.
 - c. be as or more useful than the existing land at Shorne Woods Country Park to be permanently acquired or subject to permanent rights as it can be used for public recreational purposes as part of a network of woodland and open space.
 - d. be as (or more) attractive as the existing land at Shorne Woods Country Park to be permanently acquired or subject to permanent rights. The order land affected by the Project is adjacent to the A2 and the footpath that runs

parallel to it. In comparison, the replacement land is more set back from the A2 within an area of landscaping. Section 4.3 of the oLEMP [REP1-173] notes that one of the management requirements for this area is *'to ensure replacement open space for that lost within Shorne Woods Country Park would be landscaped to complement the existing site and use, linking together and functioning as one.'*

- e. be of a comparable quality and nature to the existing land at Shorne Woods Country Park to be permanently acquired or subject to permanent rights as it provides a setting that is comparable with the current setting. The replacement land consists of an open glade within an area of ancient woodland mitigation planting, which once matured, would provide a comparable setting to the existing Shorne Woods Country Park. The Design Principle S1.08 notes that the design of the replacement land *'shall be developed through collaboration and engagement with Shorne Woods Country Park, Natural England, Kent Downs AONB and relevant local stakeholders.'*

D.5.14 As such, the replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable, and therefore it would be no less advantageous to the persons, if any, entitled to rights, and to the public. Moreover, the benefits of the Project (including need) outweigh the loss of existing open space, taking into account the replacement land.

D.5.15 For the reasons set out above, the Areas A and B **comply** with paragraphs **5.166** and **5.174** of the National Policy Statement for National Networks (NPSNN) (DfT, 2014) and the exemptions in the sections **131(4)** and **132(4)** of the Planning Act 2008 apply.

D.5.16 The replacement land will be secured through Article 40 (special category land) of the draft Development Consent Order (draft DCO) [REP2-004]. The management and maintenance of the replacement land would be undertaken by Kent County Council, the landowners of the impacted land at Shorne Woods Country Park, unless otherwise agreed with them. This is a matter agreed in the SoCG between National Highways and Kent County Council [REP1-103]. For the reasons set out above, the replacement land complies with sections 131 and 132 of the Planning Act 2008. For these reasons, the Project **complies** with paragraph **5.181** of the NPSNN (DfT, 2014), in respect of Areas A and B.

Assessment of Area C

D.5.17 There is no local authority or independent assessment which identifies Shorne Woods Country Park as being surplus to requirements.

D.5.18 The permanent acquisition of rights for the translocation of protected species would allow the order land, when burdened with the order right, to remain no

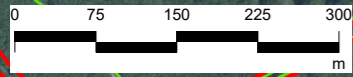
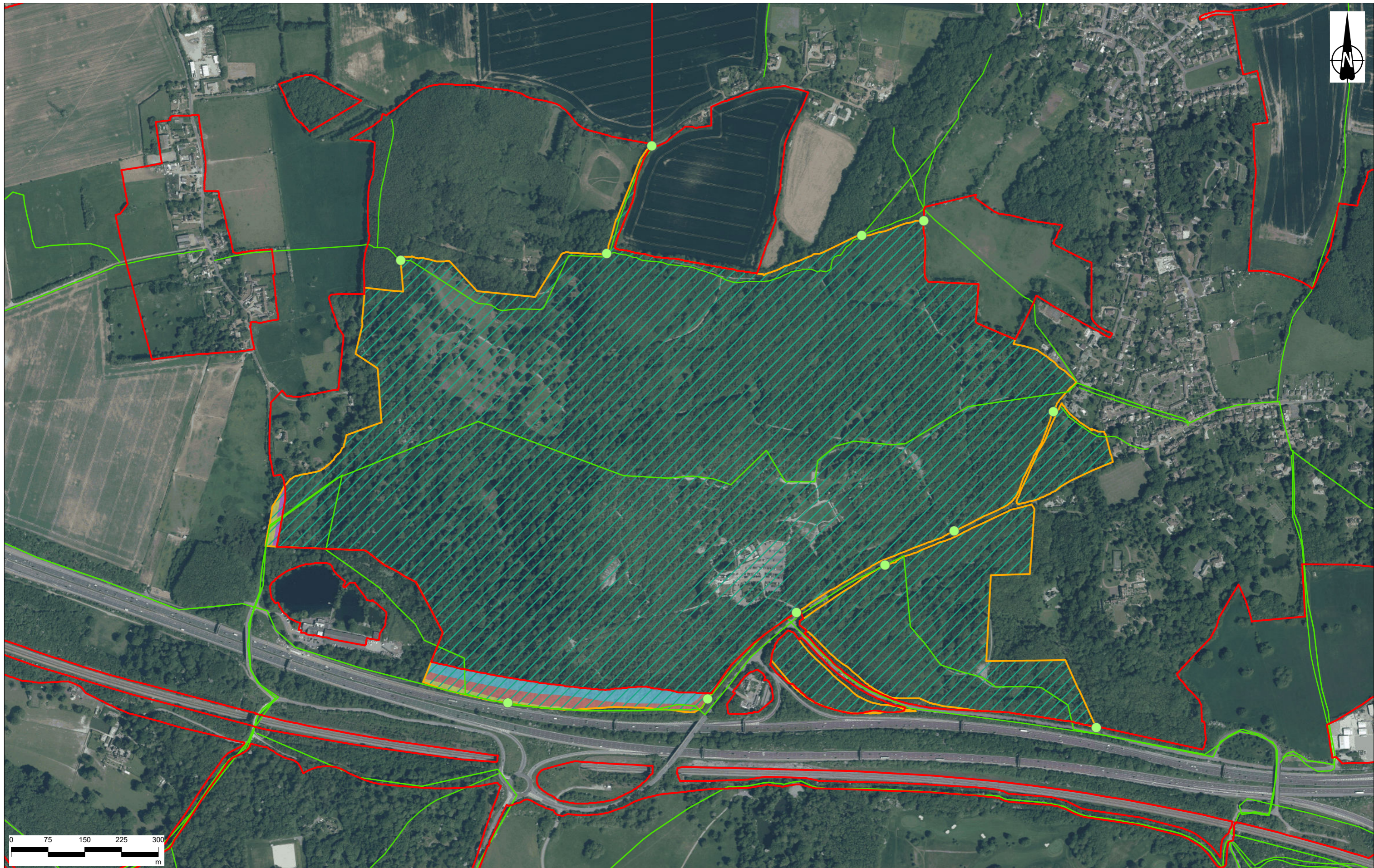
less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights. The translocation of protected species (and associated rights for long-term access and maintenance) would not disrupt the open space use and would only require the installation of minor items such as boxes and hibernacula.

- D.5.19 For the reasons set out above, the Area C **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of open space and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Assessment of Area D

- D.5.20 There is no local authority or independent assessment which identifies Shorne Woods Country Park as being surplus to requirements.
- D.5.21 The Project's temporary possession would provide working room for construction activities during the construction period. Any development on this area would be removed once the construction has finished and the land would revert to its original state as open space. Article 35 of the draft DCO [[REP2-004](#)] would secure the reinstatement of the land.
- D.5.22 For the reasons set out above, the Area D **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) in that there would be no loss of open space. Any temporary disruption would be outweighed by the benefits of the Project. The Area D **does not engage** the sections **131** and **132** of the Planning Act 2008 as there would be no permanent acquisition of land or rights of Area D.

Plate D.1 Existing Special Category Land – Shorne Woods Country Park



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Notes some layers are filtered or visually clipped in the map to highlight the special category and replacement land of interest and proposals in close proximity.

The delivery of the planting, mitigation and works shown is subject to the provisions and constraints of the draft Development Consent Order.

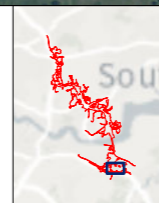
P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Check'd	Apprv'd

Legend

- Order Limits
- Existing Public Rights of Way
- Points of Access
- Existing
- Special Category Land
- Open Space

Site Area

- A
- B
- C
- D



Client

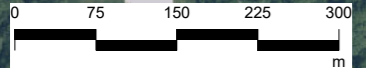
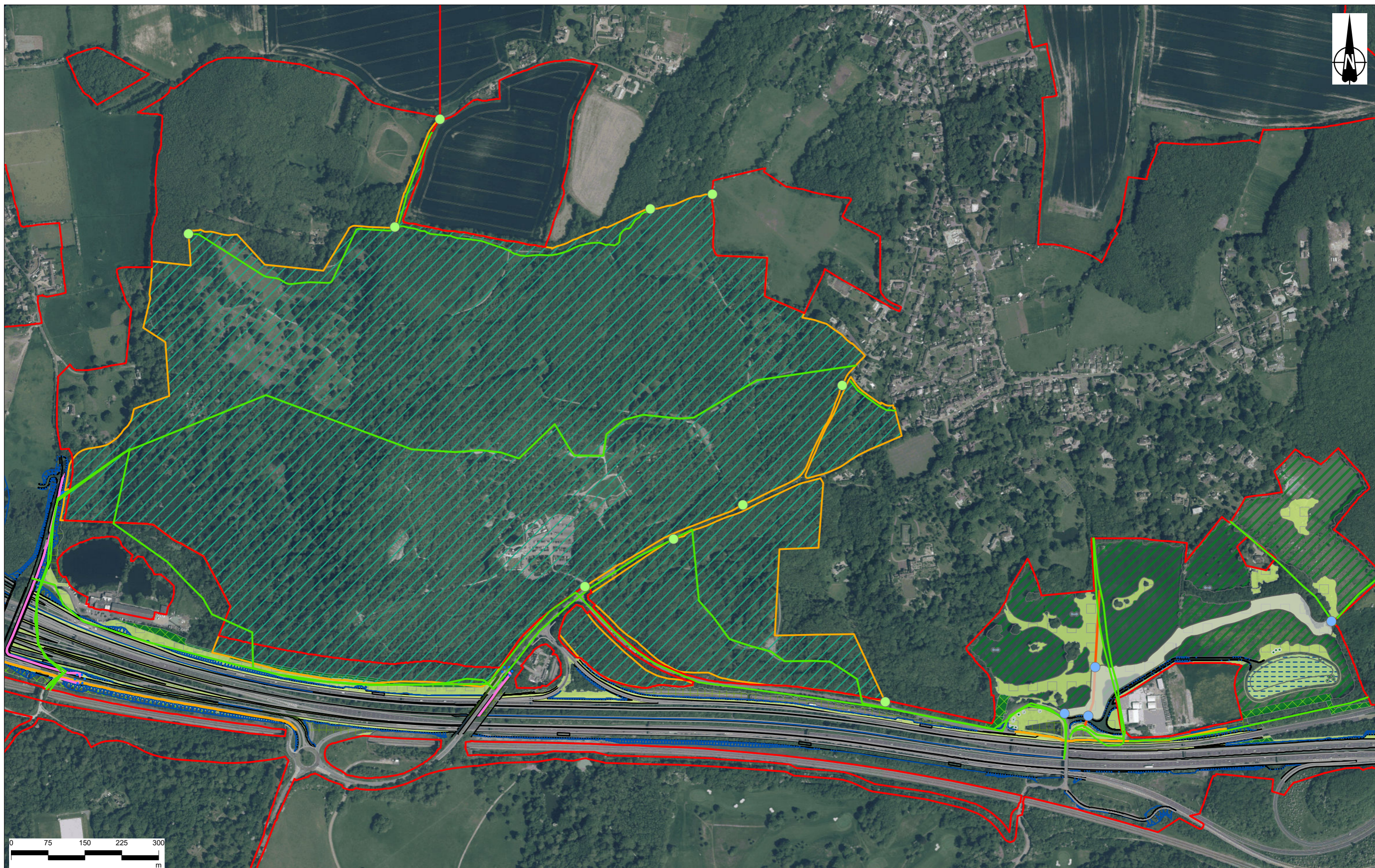


Project

LOWER THAMES CROSSING

Status	DCO APPLICATION		Original Size	Revision
Application Document Number	Appendix D		A3	P01
Drawing Title	Existing Special Category Land			
Location:	Shorne Woods Country Park			
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01			
Scale	1:7,000			

Plate D.2 Existing and Replacement Special Category Land – Shorne Woods Country Park



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The delivery of the planting, mitigation and works shown is subject to the provisions and constraints of the draft Development Consent Order.

PO1	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

Legend

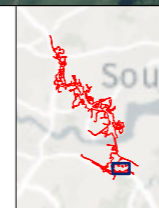
- Order Limits
- Alignment
- Road Markings (Solid)
- Earthworks
- Points of Access
- Retained Existing
- Proposed

- Potential Open Space
- Special Category Replacement Land
- Retained Existing Public Rights of Way
- Non Motorised User Strategy
- Pegasus Crossing - New
- Footpath - New

- Shared Use Route (ped/cycle)
- Bridleway - New
- Shared Use Route (ped/cycle/Horse-riders)
- Earthworks
- LE8.5 Ecology Pond (Indicative Symbol)
- LE8.7 Nitrogen Deposition Mitigation Planting
- LE8.1 Open Mosaic Habitat
- LE8.2 Ancient Woodland Mitigation Planting

- LE6.4 Wet Grassland
- LE4.3 Native Species Hedge (Untrimmed)
- LE4.4 Native Hedgerow with Trees
- LE2.4 Linear Belt of Shrubs and Trees
- LE2.5 Shrubs with Intermittent Trees
- LE2.7 Scattered Trees
- LE2.1 Native Woodland

- LE2.2 Woodland Edge
- LE1.3 Species Rich Grassland



Client

Project

LOWER THAMES CROSSING

Status	DCO APPLICATION		Original Size	Revision
Application Document Number	Appendix D		A3	P01
Drawing Title	Existing and Replacement Special Category Land			
	Location: Shorne Woods Country Park			
Drawing Number	DCO_SCL_A3_Landscape_ReplacementSCL_REV01			

Claylane Wood

- D.5.23 Claylane Wood is located to the north of the A2 in Gravesham. The Applicant is seeking powers to permanently acquire land at Claylane Wood in connection with the A2 improvement works, new Gravesend East junction link roads, new Project link roads and new Public Rights of Way (Works Nos. 2B, 2H, 2I, 2S, 2Q). Powers of temporary possession and permanent acquisition of rights are also sought over Claylane Wood for overhead lines, gas and multi-utility works, including temporary overhead line works (Works Nos. OH1, OHT1, G1b, G2, G3, MU17).
- D.5.24 Claylane Wood was previously identified as open space in the DCO application on a precautionary basis due to evidence of the public using it beyond Bridleway NS174, which passes through the woodland. Replacement land (Work No. OSC3) was also included in the DCO application to the north of Claylane Wood on a precautionary basis, should the SoS consider the land within Claylane Wood to be open space for the purposes of sections 131 and 132 of the Planning Act 2008.
- D.5.25 Claylane Wood is privately owned. It is not identified in Gravesham Borough Council's Open Space Assessment (April 2016) and does not benefit from an open space planning policy designation. Further information has now been provided by the landowner which confirms this site is not open space. Sections 131 and 132 therefore do not apply to this land. The Applicant has, therefore, removed the designation of open space and replacement land as explained in the second Change Notification dated 3 July 2023 [\[PD-024\]](#) (see Proposed Amendment EA01) and acknowledged in the Examining Authority's procedural decision on 14 July 2023 [\[PD-022\]](#). This amendment is reflected in the revised submission documents at Deadline 3.

Tilbury Green – common land

Existing site and context

- D.5.26 Tilbury Green is registered as common land under the Commons Act 2006, which the public has a right of access over. The land has an area of 1.59ha. The northern half of Tilbury Green forms part of Public Footpath 200 but is overgrown. The southern half of the existing Tilbury Green runs through the active IVL landfill site.

The Project's impact

- D.5.27 **Area A:** Permanent acquisition of Tilbury Green (12,480m²) would be required to construct the new road with associated earthworks and drainage attenuation pond, a new Public Right of Way (i.e. diverted Footpath 200), and to create habitat reinstatement associated with Low Street Pit Local Wildlife Site (Plots 20-63, 23-106). The Project proposes to provide replacement land.

D.5.28 **Area B:** Temporary possession of land and permanent acquisition of rights (3,431m²) for diversion and modification of utility works (underground multi-utility works) and a Public Right of Way (i.e. diverted Footpath 200) would take place at the northernmost and middle sections of the existing Tilbury Green (Plots 20-75, 20-76, 23-120). The diversion of underground utilities would not introduce any further planting restrictions as the land is already free of planting due to the Footpath 200. The diversion of the existing Public Right of Way (i.e. Footpath 200) would be a minor diversion using the land parcels already used for that same purpose. The public would still be able to freely roam over the land in which the underground utilities lay and the land would continue to be used for the purpose of Public Right of Way.

D.5.29 The above sub-areas alongside notable features of the existing site are shown in Plate D.3 Existing Special Category Land – Tilbury Green.

Assessment of Area A

D.5.30 There is no local authority or independent assessment which identifies Tilbury Green as being surplus to requirements. The loss of land at the existing Tilbury Green would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

D.5.31 The Project proposes replacement land (Plots 20-70, 20-78, 20-79, 23-117) to the east of the existing Tilbury Green alignment, totalling 12,777m². The replacement land, as shown in Plate D.4 Existing and Replacement Special Category Land – Tilbury Green, would:

- a. be no less in area because the amount of land impacted (and for which replacement is being provided) is 12,480m² and the replacement land is 12,777m². This is taking into account that the replacement land is anticipated to become available for public use six years after the existing Tilbury Green is impacted by the Project, except that some areas of new planting/habitat may be fenced off to allow for them to mature. The new planting/habitat is generally anticipated to have a maturity period of five years. That planting/habitat (as well as the other factors) ensures that the replacement land is no less advantageous.
- b. be as or more accessible to the public than the existing land at Tilbury Green to be permanently acquired. The northern half of the replacement land would follow the diverted Footpath 200, maintaining a connection between Station Road in the north and Coalhouse Fort and beyond in the south. The replacement land would also support proposed WCH routes to the new riverfront Tilbury Fields open space from Station Road. The northern half of Tilbury Green that forms part of Public Footpath 200 but is overgrown and the southern half of the existing Tilbury Green runs through the active IVL landfill site. The replacement land would improve access to

Tilbury Green by avoiding the landfill site and allowing for safe access along the entire alignment.

- c. be as or more useful than the existing land at Tilbury Green to be permanently acquired as it can still be used as a public footpath. By replacing the order land outside the active IVL landfill site, and connecting it with the new Tilbury Fields open space, the Project is providing a more useful solution to persons entitled to rights of common or other rights, and to the public. The replacement land would form part of a wider WCH network proposed by the Project, improving connectivity for walkers, cyclists and horse riders between settlements, sites of interest (Tilbury Fort and Coalhouse Fort) and the new Tilbury Fields.
- d. be as (or more) attractive as the existing common land at Tilbury Green to be permanently acquired. The replacement land would be surrounded by scrub vegetation like the existing Tilbury Green.
- e. be of a comparable quality and nature to the existing land at Tilbury Green to be permanently acquired. Clause S9.17 of the Design Principles [[APP-516](#)] requires that the *'The quality of the route shall not be inferior to the existing route, and areas of tree planting will screen this route from the road. The area of common land will not be diminished.'* Although the replacement land would be close to the new alignment, it would be screened from the new road by earthworks and planting. The replacement land would be surrounded by scrub vegetation comparable to the existing Tilbury Green.

D.5.32 As such, the replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable, and therefore it would be no less advantageous to the persons, if any, entitled to rights, and to the public. Moreover, the benefits of the Project (including need) outweigh the loss of existing common land, taking into account the replacement land.

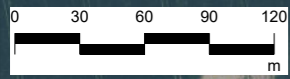
D.5.33 For the reasons set out above, the Area A **complies** with paragraphs **5.166** and **5.174** of the NPSNN (DfT, 2014) and the exemption in section **131(4)** of the Planning Act 2008 applies.

D.5.34 The replacement land will be secured through Article 40 (special category land) of the draft DCO [[REP2-004](#)]. Management and maintenance of the replacement land would be with the Coles family, the landowners of the impacted land at Tilbury Green, unless otherwise agreed with them. For the reasons set out above, the replacement land complies with section 131 of the Planning Act 2008. As such, the Project **complies** with paragraph **5.181** of the NPSNN (DfT, 2014) in respect of the Area A.

Assessment of Area B

- D.5.35 There is no local authority or independent assessment which identifies Tilbury Green as being surplus to requirements.
- D.5.36 The Project's permanent acquisition of rights for underground multi-utilities works would allow Area B, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. Area B is already free of planting because the land is currently used for a Public Right of Way and therefore any rights and restrictive covenants which include planting restrictions in connection with the utility works would not change the current attractiveness of Area A including the planting arrangement. The public would still be able to freely roam over land over which the underground utilities are proposed once the works are complete.
- D.5.37 Similarly, the proposal for a Public Right of Way (i.e. diverted Footpath 200) would allow the order land, when burdened with the order right, to remain no less advantageous to the public or the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights because Public Footpath (FP200) already exists at the common land in this location, allowing public access along this stretch of the existing Tilbury Green.
- D.5.38 For the reasons set out above, the Area B **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of common land and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Plate D.3 Existing Special Category Land – Tilbury Green



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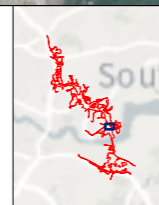
Notes some layers are filtered or visually clipped in the map to highlight the special category and replacement land of interest and proposals in close proximity.

The delivery of the planting, mitigation and works shown is subject to the provisions and constraints of the draft Development Consent Order.


P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

Legend

- Order Limits
- Existing Public Rights of Way
- Special Category Land
- Common Land
- Site Area
- A
- B
- Existing Points of Access



Client

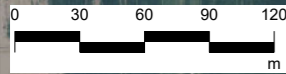


Project

LOWER THAMES CROSSING

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:3,500		
Drawing Title	Existing Special Category Land				
	Location: Tilbury Green/ FP200				
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01				

Plate D.4 Existing and Replacement Special Category Land – Tilbury Green



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P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

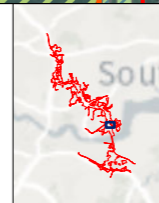
Legend

- Order Limits
- Alignment
- Road Markings (Solid)
- Earthworks
- Points of Access**
- Retained Existing
- Proposed

- Special Category Land**
- Retained Common Land
- Special Category Replacement Land
- Footpath - New
- Bridleway - New
- Shared Use Route (ped/cycle/Horse-riders)

- LE8.1 Open Mosaic Habitat
- LE6.4 Wet Grassland
- LE6.11 Water Bodies - Standing Water
- LE6.2 Banks and Ditches (Polygon)
- LE2.4 Linear Belt of Shrubs and Trees
- LE2.5 Shrubs with Intermittent Trees
- LE2.7 Scattered Trees

- LE2.8 Scrub
- LE2.1 Native Woodland
- LE2.2 Woodland Edge
- LE1.3 Species Rich Grassland



Client

Project **LOWER THAMES CROSSING**

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:3,500		
Drawing Title	Existing and Replacement Special Category Land				
	Location: Tilbury Green/ FP200				
Drawing Number	DCO_SCL_A3_Landscape_ReplacementSCL_REV01				

Ron Evans Memorial Field

Existing site and context

- D.5.39 The Ron Evans Memorial Field is designated public open space located to the west of Baker Street and the A1089 and to the south of the A13. The field is well used by members of the local community for informal recreational purposes such as walking and off-road cycling. There are a number of formal and informal footpaths passing through it, including the Footpath 97 from Long Lane which provides the main access to the field.

The Project's impact

- D.5.40 **Area A:** Permanent acquisition of the eastern side of Ron Evans Memorial Field (75,153m²) would be required to construct the new road and a new bridleway (Plots 29-02, 29-09, 33-18). The Project proposes to provide replacement land.
- D.5.41 **Area B:** Temporary possession of land and permanent acquisition of rights (7,517m²) for diversion and modification of utility works (underground utilities) would be needed at the north-western side of Ron Evans Memorial Field (Plots 29-04, 29-282, 29-283, 33-35). Area B would need to be subject to rights which would permit long-term access and maintenance. The presence of access chambers to enable access to the underground utilities would mean that it would degrade the quality of the open space (as it would prevent planting of vegetation) and the Applicant is therefore proposing to provide replacement land.
- D.5.42 **Area C:** Temporary possession of land and permanent acquisition of rights (69,513m²) for diversion and modification of utility works (overhead power lines and underground utilities) would also be through the middle of Ron Evans Memorial Field (Plots 29-03, 29-04). These are works that are either to the existing overhead power line utilities or to that are underground using the same land parcels already subject to planting restrictions and easements by the overhead power line utilities. The public would still be able to freely roam over the underground utilities and under the overhead power line utilities. The Project does not propose to provide replacement land.
- D.5.43 **Area D:** Temporary possession of land (6,817m²) at the north-western end of the field would be needed during the construction period to allow working room for construction activities (Plot 33-19). The Project does not propose to provide replacement land.
- D.5.44 The above sub-areas alongside notable features of the existing site are shown in Plate D.5 Existing Special Category Land – Ron Evans Memorial Field.

Assessment of Areas A and B

- D.5.45 There is no local authority or independent assessment which identifies Ron Evans Memorial Field as being surplus to requirements. The loss of the existing Ron Evans Memorial Field would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- D.5.46 The Project proposes replacement land directly to the west (Plots 29-01, 33-13) and to the south (Plots 29-12, 29-16, 29-18, 29-19) of the existing Ron Evans Memorial Field, totalling 92,124m². Thurrock Council is satisfied with the replacement land in principle. The replacement land, as shown in Plate D.6 Existing and Replacement Special Category Land – Ron Evans Memorial Field would:
- a. be no less in area because the amount of land impacted (and for which replacement is being provided) is 82,670m² and the replacement land is 92,124m². This is taking into account that the replacement land is anticipated to become available for public use five years after the existing Ron Evans Memorial Field is impacted by the Project, except that some areas of new planting/habitat may be fenced off to allow for them to mature. The new planting/habitat is generally anticipated to have a maturity period of five years. That planting/habitat (as well as the other factors) ensures that the replacement land is no less advantageous.
 - b. be as accessible as or more accessible to the public than the existing Ron Evans Memorial Field to be permanently acquired given that it would be located closer to the surrounding settlements.
 - c. be as useful as or more useful than the existing Ron Evans Memorial Field to be permanently acquired as it would serve the dual purpose of public open space (comparable to its existing use) and Open Mosaic Habitat over a greater land area.
 - d. be as attractive as or more attractive than the existing Ron Evans Memorial Field to be permanently acquired given that it would be laid out as a high quality Open Mosaic Habitat whereas the existing Ron Evans Memorial Field is in a relatively poor state. Section 5.12 of the oLEMP [REP1-173] (secured through Requirement 5 of the draft DCO [REP2-004]) notes that one of the management requirements for this area is '*Replacement open space areas to be of a similar character to the existing landscape and to comprise a mixture of rough grassland, scrub and scattered ponds and tree planting.*'
 - e. be better quality and nature overall to the existing Ron Evans Memorial Field to be permanently acquired as it provides a setting that is more attractively landscaped than the current setting nearer to the surrounding settlements. The Design Principle [APP-516] clause S11.06 secures that

‘Replacement open space shall be designed to be of the same character and planting.’

- D.5.47 As such, the replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be better, and therefore it would be no less advantageous to the persons, if any, entitled to rights, and to the public. Moreover, the benefits of the Project (including need) outweigh the loss of existing open space, taking into account the replacement land.
- D.5.48 For the reasons set out above, the Areas A and B **comply** with paragraphs **5.166** and **5.174** of the NPSNN (DfT, 2014) and paragraphs **5.10.6** and **5.10.14** of NPS EN-1 (DECC, 2011), and the exemptions in sections **131(4)** and **132(4)** of the Planning Act 2008 apply.
- D.5.49 The replacement land will be secured through Article 40 (special category land) of the draft DCO [[REP2-004](#)]. Management and maintenance of the replacement land would be with the landowner of impacted Ron Evans Memorial Field, Thurrock Council, unless otherwise agreed with them. For the reasons set out above, the replacement land complies with sections 131 and 132 of the Planning Act 2008. As such, the Project **complies** with paragraph **5.181** of the NPSNN (DfT, 2014) and paragraph **5.10.21** of NPS EN-1 (DECC, 2011) in respect of Areas A and B.

Assessment of Area C

- D.5.50 There is no local authority or independent assessment which identifies Ron Evans Memorial Field as being surplus to requirements.
- D.5.51 The Project’s permanent acquisition of rights for underground multi-utilities and overhead powerline works would allow Area C, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. The works over Area C are works to the existing overhead powerlines or to underground utilities. The use of Area C is already subject to planting restrictions and easements in connection with the existing overhead powerlines. The public would still be able to freely roam over land in which the underground utilities are proposed and under land in which the overhead powerlines are proposed, once the works are complete.
- D.5.52 For the reasons set out above, the Area C **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and paragraphs **5.10.6**, **5.10.14** and **5.10.21** of NPS EN-1 (DECC, 2011) (which is relevant in light of the overhead powerline over this land), and the exemption in section **132(3)** of the Planning Act 2008 applies as there would be no loss of open space and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Assessment of Area D

- D.5.53 There is no local authority or independent assessment which identifies Ron Evans Memorial Field as being surplus to requirements.
- D.5.54 The Project's temporary possession would provide working room for construction activities during the construction period. Any development on this area would be removed once the construction has finished and the land would revert to its original state as open space.
- D.5.55 For the reasons set out above, the use of Area D **complies** with paragraphs **5.166, 5.174** and **5.181** of the NPSNN (DfT, 2014) in that there would be no loss of open space. Any temporary disruption would be outweighed by the benefits of the Project. The Area D **does not engage** the sections **131** and **132** of the Planning Act 2008 as there would be no permanent acquisition of land or rights.

Plate D.5 Existing Special Category Land – Ron Evans Memorial Field



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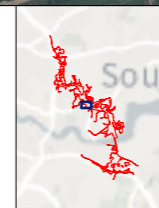
PO1	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

Legend

- Order Limits
- Existing Public Rights of Way
- Points of Access
- Existing Special Category Land
- Open Space

Site Area

- A
- B
- C
- D



Client

Project

LOWER THAMES CROSSING

Status	DCO APPLICATION		Original Size	A3	Revision	P01
Application Document Number	Appendix D		Scale	1:4,000		
Drawing Title	Existing Special Category Land					
Project	Location: Ron Evans Memorial Field					
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01					

Plate D.6 Existing and Replacement Special Category Land – Ron Evans Memorial Field



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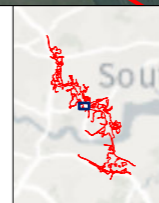
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Rev	Status	Rev. Date	Purpose of revision	Drawn	Check'd	Apprv'd
P01	S2	10/25/2022	DCO Application	MW	RS	AB

Legend

- Order Limits
- Alignment
- Road Markings (Solid)
- Earthworks
- Points of Access
- Retained Existing
- Proposed
- Potential Open Space
- Special Category Replacement Land
- Non Motorised User Strategy
- Shared Use Route (ped/cycle)
- Bridleway - New
- - - Bridleway - Upgrade
- LE8.5 Ecology Pond (Indicative Symbol)
- LE8.1 Open Mosaic Habitat
- LE6.2 Banks and Ditches (Polygon)
- LE4.4 Native Hedgerow with Trees
- LE2.5 Shrubs with Intermittent Trees
- LE2.7 Scattered Trees
- LE2.11 Woodland with Non-Native Species
- LE2.2 Woodland Edge
- LE1.3 Species Rich Grassland



Client: **national highways**

Project: **LOWER THAMES CROSSING**

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:4,000		
Drawing Title	Existing and Replacement Special Category Land				
	Location: Ron Evans Memorial Field				
Drawing Number	DCO_SCL_A3_Landscape_ReplacementSCL_REV01				

Orsett Fen

Existing site and context

- D.5.56 Orsett Fen is registered as common land. The land is located to the north-west of the village of Orsett to the east of the Mardyke. Orsett Fen has two Public Rights of Way passing through it, the Bridleway 219 along the Mardyke and the Footpath 90 through the centre of the fen. The land is currently cultivated for agricultural use and is subject to public access rights under Section 193 of the Law of Property Act 1925.

The Project's impact

- D.5.57 **Area A:** Permanent acquisition of the western half of Orsett Fen would be required to construct the new road and to create a new wet grassland habitat (which needs to be secured long-term and permanently) for water voles (Plots 35-14, 37-01, 38-58). Another area of land towards the eastern end of Orsett Fen surrounding Poplars Reservoir would be needed for permanent acquisition to create a new Open Mosaic Habitat to benefit reptiles and terrestrial invertebrates (Plot 35-39). Overall, the permanent acquisition amounts to 523,107m² and the Project proposes to provide replacement land. The amended site area is a negligible net decrease in area impacted by the Project. The diversion and modification of utility works (overhead powerlines) are also proposed which would require the permanent acquisition of rights (for access and maintenance) but this area of land over which the rights are sought overlaps with the permanent acquisition of land described above, and therefore there is no additional land requirement to accommodate this permanent acquisition of rights.
- D.5.58 **Area B:** Another area of land along the Mardyke (10,551m²) requires temporary possession of land and permanent acquisition of rights for environmental mitigation (water vole protection in the form of mink control) purposes which require long-term access and maintenance (Plots 35-13, 38-55). Mink traps with digital notification capability would be installed and maintained long term along the Mardyke. The mink traps would notify the Essex Wildlife Trust when mink are caught for the Trust to then subsequently visit and deal with the caught mink. Visits by the Essex Wildlife Trust would not require any closure of the area to the public and would not be detrimental to the public usage of the area. The works to the existing overhead powerlines would not result in more restrictive easements than before. The public would still be able to freely roam under the overhead powerlines, once the works are complete. The Project does not propose to provide replacement land.
- D.5.59 The above sub-areas alongside notable features of the existing site are shown in Plate D.7 Existing Special Category Land – Orsett Fen.

Assessment of Area A

- D.5.60 There is no local authority or independent assessment which identifies Orsett Fen as being surplus to requirements. The loss of part of the existing Orsett Fen common would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- D.5.61 The Project proposes replacement land directly to the south (Plots 33-04, 34-14, 34-16, 34-18, 35-04) and to the north (Plots 37-04, 38-62) of the existing Orsett Fen, totalling 619,671m². Thurrock Council is satisfied with the replacement land in principle. The replacement land, as shown in Plate D.8 Existing and Replacement Special Category Land – Orsett Fen would:
- a. be no less in area because the amount of land impacted (and for which replacement is being provided) is 523,107m² and the replacement land is 619,671m². This is taking into account that the replacement land is anticipated to become available for use five years after the existing Orsett Fen is impacted by the Project (as well as the other factors, particularly the matters addressed in paragraph (d) below).
 - b. be capable of being as accessible as, or more accessible, to the public than the existing Orsett Fen to be permanently acquired (i.e. Area A) as it would be located adjacent to upgraded/new WCH routes and the publicly accessible wet grassland habitat creation. It should also be noted that proposed environmental mitigation includes re-wetting part of the Orsett Fen (i.e. part of the existing common land that is to be deregistered), and requires creation of a mosaic of wet grassland with a network of ditches and ponds for water voles, that would be accessible to the public (as per article 54 of the draft Development Consent Order [\[REP2-004\]](#)). Therefore, the ability for the public to access the wider area is improved as part of the Project.
 - c. be as useful as or more useful than the existing Orsett Fen to be permanently acquired as it can be used for the same purpose as it would legally be designated with the same rights, trusts and incidents (pursuant to article 40 of the draft DCO [\[REP2-004\]](#) and the fragmentation of the common land is offset by the provision of the replacement land which is greater in size.
 - d. be as attractive as the existing Orsett Fen to be permanently acquired (i.e. Area A) given that both Area A and the replacement land are in comparable agricultural state for growing crops, and although a greater quantity of the replacement land would have an overhead line running above it, this only applies to part of the replacement land west of the new road alignment, and its visual impact is offset by (1) returning part of the existing Orsett Fen to its historic form as a wet grassland; (2) the replacement land being greater

in size; (3) the utility works in this area are to existing apparatus, and so whilst the existing Orsett Fen has fewer overhead line assets on it, those assets are already experienced on it.

- e. be comparable quality and nature overall to the existing Orsett Fen to be permanently acquired as it provides a setting that is comparable with the current setting.

- D.5.62 As such, the replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable. Therefore, it would be no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public. Moreover, the benefits of the Project (including need) outweigh the loss of existing common land, taking into account the replacement land.
- D.5.63 For the reasons set out above, the Area A **complies** with paragraphs **5.166** and **5.174** of the NPSNN (DfT, 2014) and paragraphs **5.10.6** and **5.10.14** of NPS EN-1 (DECC, 2011) and the exemption in section **131(4)** of the Planning Act 2008 applies.
- D.5.64 The replacement land will be secured through Article 40 (special category land) of the draft DCO [[REP2-004](#)]. Management and maintenance of the replacement land would be with the landowner/commoners of impacted Orsett Fen, Orsett Fen Rights Holders, unless otherwise agreed with them. For the reasons set out above, the replacement land complies with section 131 of the Planning Act 2008. As such, the Project **complies** with paragraph **5.181** of the NPSNN (DfT, 2014) and paragraph **5.10.21** of NPS EN-1 (DECC, 2011) in respect of the Area A.

Assessment of Area B

- D.5.65 There is no local authority or independent assessment which identifies Orsett Fen as being surplus to requirements.
- D.5.66 The Project's permanent acquisition of rights along the Mardyke (for mink control purposes) would allow Area B, when burdened with the order right, to remain no less advantageous to the public as the traps would be placed so as not to conflict with the existing public use and it is anticipated that the visits by the Essex Wildlife Trust would not require any closure of the area to the public. Similarly, Area B, when burdened with the order right, would remain no less advantageous to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights because this land already has an existing Public Right of Way (Bridleway 219) which allows public access along the Mardyke. The rights being sought for long-term access and maintenance of the mink control devices along the Mardyke would not change the existing situation along the Mardyke which already allows public access.

- D.5.67 The works to the existing overhead powerlines would not result in more restrictive easements than the existing situation. The public would still be able to freely roam under the overhead powerlines, once the works are complete. As such, the land would be no less advantageous than the existing situation.
- D.5.68 For the reasons set out above, the Area B **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and paragraphs **5.10.6**, **5.10.14** and **5.10.21** of NPS EN-1 (DECC, 2011), and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of common land and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Plate D.7 Existing Special Category Land – Orsett Fen



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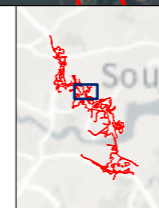
Notes some layers are filtered or visually clipped in the map to highlight the special category and replacement land of interest and proposals in close proximity.


The delivery of the planting, mitigation and works shown is subject to the provisions and constraints of the draft Development Consent Order.

P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

Legend

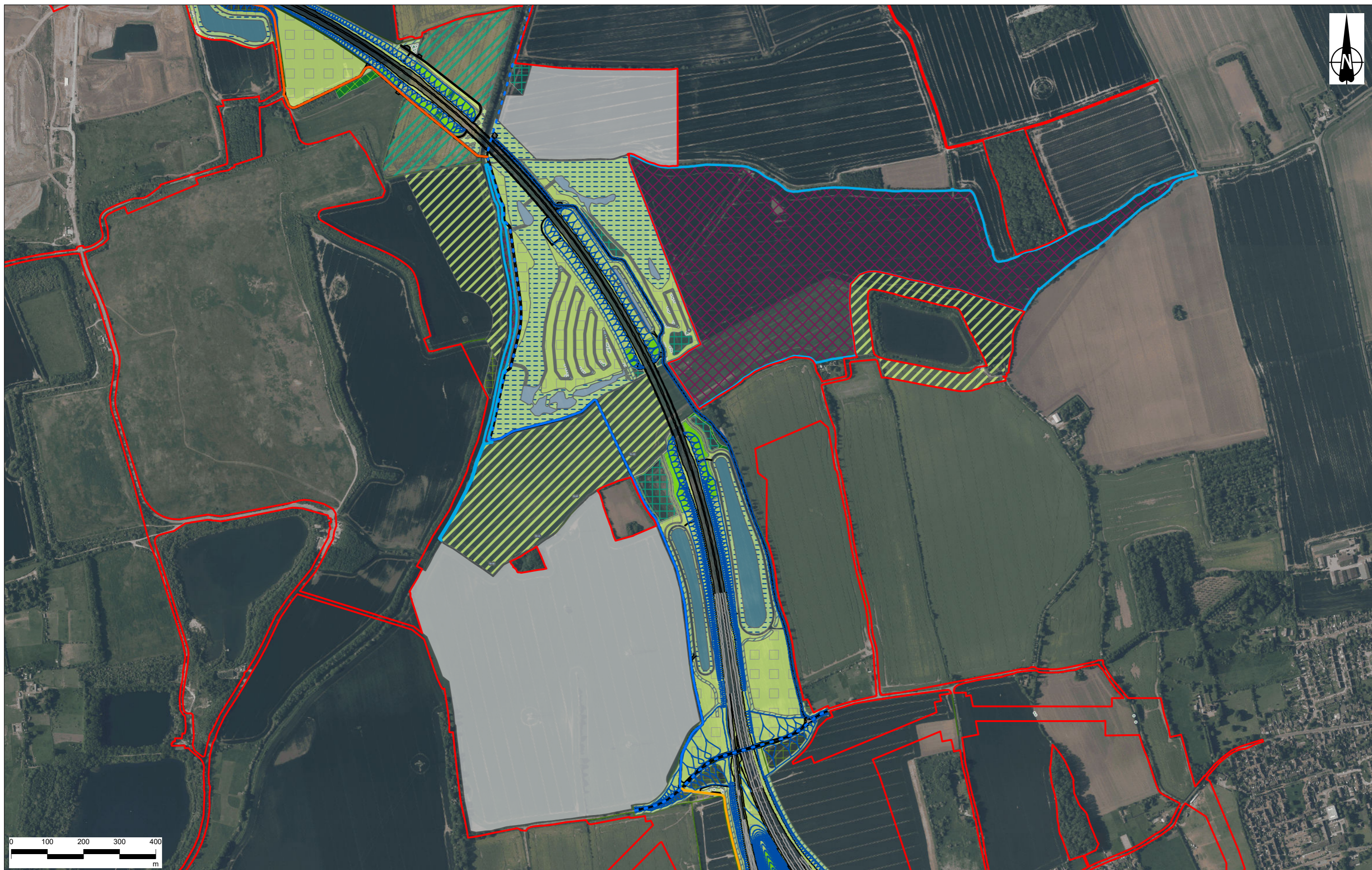
- Order Limits
- Existing Public Rights of Way
- Common Land
- Site Area A
- Site Area B



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 Project
LOWER THAMES CROSSING

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:9,500		
Drawing Title	Existing Special Category Land				
	Location: Orsett Fen				
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01				

Plate D.8 Existing and Replacement Special Category Land – Orsett Fen



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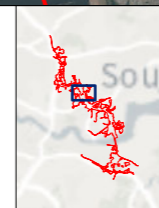
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Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd
P01	S2	10/25/2022	DCO Application	MW	RS	AB

Legend	
Order Limits	Special Category Replacement Land
Alignment	Non Motorised User Strategy
Road Markings (Solid)	Footpath - New
Earthworks	Shared Use Route (ped/cycle)
Bridleway - New	Bridleway - Upgrade
Retained Common Land	Bridleway - Upgrade
LE8.4 Wetland/Fenland Creation	LE4.3 Native Species Hedge (Untrimmed)
LE8.5 Ecology Pond (Indicative Symbol)	LE4.4 Native Hedgerow with Trees
LE8.1 Open Mosaic Habitat	LE2.14 Wet/Carr Woodland
LE6.4 Wet Grassland	LE2.5 Shrubs with Intermittent Trees
LE6.11 Water Bodies - Standing Water	LE2.7 Scattered Trees
LE6.2 Banks and Ditches (Polygon)	LE2.11 Woodland with Non-Native Species
LE2.2 Woodland Edge	LE1.3 Species Rich Grassland



Client
national highways

Project
LOWER THAMES CROSSING

Status	DCO APPLICATION		Original Size	Revision
Application Document Number	Appendix D		A3	P01
Drawing Title	Existing and Replacement Special Category Land			
	Location: Orsett Fen			
Drawing Number	DCO_SCL_A3_Landscape_ReplacementSCL_REV01			

Thames Chase Forest Centre

Existing site and context

- D.5.69 Thames Chase Forest Centre is located to the north of North Ockendon and to the south of Cranham and straddles the M25 in this location. Thames Chase Forest Centre was originally established from disused farmland and today it is recognised as a site of particularly high quality and value, and one of the most popular recreational sites in the area. The site provides footpaths for all abilities, cycling and horse riding in addition to a visitor centre with a café and gift shop, and can be used as a meeting venue for community groups and societies.

The Project's impact

- D.5.70 **Area A:** Permanent acquisition of land through the middle of the site (101,426m²) adjacent to the existing M25 would be required to construct the new road and a diverted footpath which includes a new bridge (Plots 43-08, 43-22, 43-23, 43-24, 43-25, 43-31, 43-33, 43-39, 44-12, 44-51). The Project proposes to provide replacement land.
- D.5.71 **Area B:** Temporary possession of land and permanent acquisition of rights (30,214m²) for diversion and modification of utility works (underground multi-utilities and overhead powerlines) would be needed on both sides of the M25 (Plots 43-07, 43-09, 43-106, 43-109, 43-110). These are areas where the proposed works would introduce additional easements including planting restrictions that would result in a different character for the order land when burdened with the order right. The Project proposes to replace the order land burdened with the order right.
- D.5.72 **Area C:** Temporary possession of land and permanent acquisition of rights (40,470m²) for diversion and modification of utility works (underground multi-utilities and overhead powerlines) would be needed on both sides of the M25 (Plots 43-18, 43-19, 43-35, 43-104, 43-105, 43-107, 43-108, 43-111, 44-08). These are areas where the proposed works would not result in a different character for the order land when burdened with the order right. These areas include the environmental mitigation area for translocation of protected species which would also conserve the existing character. The Project does not propose to provide replacement land.
- D.5.73 **Area D:** Temporary possession of land (8,905m²) at the western side of the M25 would be needed during the construction period to allow working room for construction activities (Plot 43-10). Another area of temporary possession of land (7,838m²) at the eastern side of the M25 would be needed to allow working room for construction, laying out of a permissive path and re-instatement landscaping (Plots 43-27, 43-28, 44-64). The Project does not propose to provide replacement land.

D.5.74 The above sub-areas alongside notable features of the existing site are shown in Plate D.9 Existing Special Category Land – Thames Chase Forest Centre.

Assessment of Areas A and B

D.5.75 There is no local authority or independent assessment which identifies Thames Chase Forest Centre as being surplus to requirements. The loss of the existing Thames Chase Forest Centre would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

D.5.76 The Project proposes replacement land directly to the north (Plot 44-19) and to the south (Plots 42-19, 43-04) of the existing Thames Chase Forest Centre, totalling 156,093m². Thames Chase Trust / Forestry England is satisfied with the replacement land in principle. The replacement land, as shown in Plate D.10 Existing and Replacement Special Category Land – Thames Chase Forest Centre, would:

- a. be no less in area because the amount of land impacted (and for which replacement is being provided) is 131,642m² and the replacement land is 156,093m². This is taking into account that the replacement land is anticipated to become available for public use five years after the existing Thames Chase Forest Centre is impacted by the Project, except that some areas of new planting/habitat may be fenced off to allow for them to mature. The new planting/habitat is generally anticipated to have a maturity period of five years. That planting/habitat (as well as the other factors) ensures that the replacement land is no less advantageous.
- b. be as accessible as or more accessible to the public than the existing Thames Chase Forest Centre to be permanently acquired given that it would be located closer to the surrounding settlements and there would be a new purpose-built bridge over the M25.
- c. be as useful as the existing Thames Chase Forest Centre to be permanently acquired as it would serve the multipurpose of public open space, Open Mosaic Habitat and woodland planting over a greater land area.
- d. be as attractive as the existing Thames Chase Forest Centre to be permanently acquired given that it would also serve as high quality Open Mosaic Habitat and woodland planting that are in keeping with the qualities of the existing Thames Chase Forest Centre. Section 6.9 of the oLEMP [\[REP1-173\]](#) (secured through Requirement 5 of the draft DCO [\[REP2-004\]](#)) notes that one of the management requirements for this area is '*The replacement open space would be landscaped to complement the existing site and use, linking together and functioning as one.*'

- e. be comparable quality and nature overall to the existing Thames Chase Forest Centre to be permanently acquired as it provides a setting that is comparable with the current setting. Section 6.9 of the oLEMP [REP1-173] (secured through Requirement 5 of the draft DCO [REP2-004]) notes that one of the management requirements for this area is '*The landscape shall be a mosaic of woodland, woodland edge and open grassland, designed in the same character as the existing Thames Chase site.*'

- D.5.77 As such, the replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable. Therefore it would be no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public. Moreover, the benefits of the Project (including need) outweigh the loss of existing open space, taking into account the replacement land.
- D.5.78 For the reasons set out above, the Areas A and B **comply** with paragraphs **5.166** and **5.174** of the NPSNN (DfT, 2014) and the exemptions in sections **131(4)** and **132(4)** of the Planning Act 2008 apply.
- D.5.79 The replacement land will be secured through Article 40 (special category land) of the draft DCO [REP2-004]. Management and maintenance of the replacement land would be with the landowner of impacted Thames Chase Forest Centre, Thames Chase Trust / Forestry England, unless otherwise agreed with them. For the reasons set out above, the replacement land complies with sections 131 and 132 of the Planning Act 2008. As such, the Project **complies** with paragraph **5.181** of the NPSNN (DfT, 2014) in respect of the Areas A and B.

Assessment of Area C

- D.5.80 There is no local authority or independent assessment which identifies Thames Chase Forest Centre as being surplus to requirements.
- D.5.81 The Project's permanent acquisition of rights for underground multi-utilities and overhead powerline works would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. These works take place either; 1) in areas of existing grassland where the new easements for planting restrictions would not change the character of the land; or 2) underground with a new path laid out over the underground asset where the public could use the new path that is in keeping with the other paths in Thames Chase Forest Centre. The public would be able to freely roam over the underground utilities and under the overhead powerlines, once the works are complete.
- D.5.82 The Project's permanent acquisition of rights for translocation of protected species would allow the order land, when burdened with the order right, to

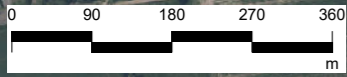
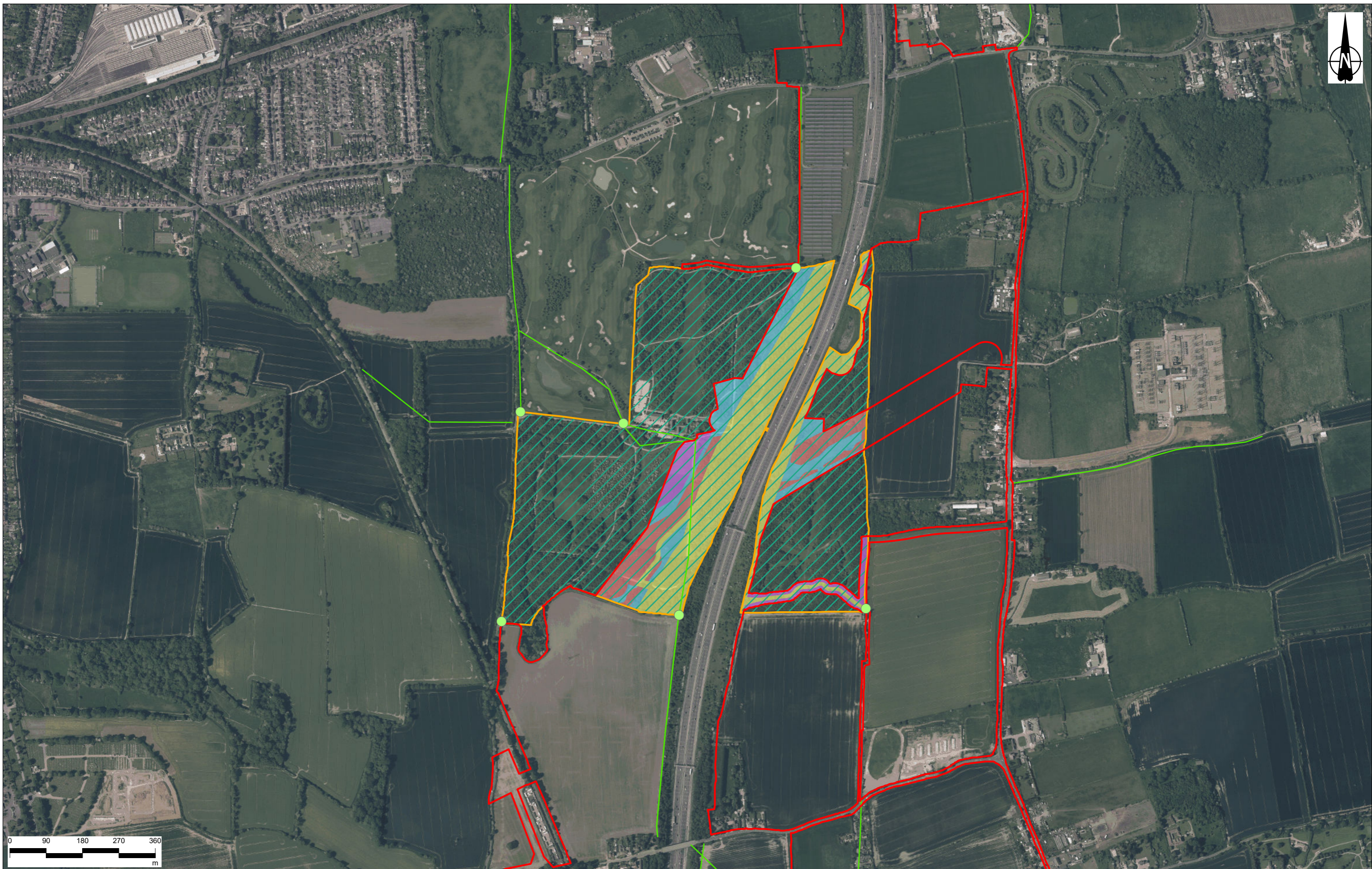
remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. This is because the land would be merely subject to long-term environmental mitigation management rights for translocation of protected species without the need for any major works or disruptions as the site is already suitable for receiving the protected species.

- D.5.83 For the reasons set out above, the Area C **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of open space and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Assessment of Area D

- D.5.84 There is no local authority or independent assessment which identifies Thames Chase Forest Centre as being surplus to requirements.
- D.5.85 The Project's temporary possession would provide working room for construction activities during the construction period. Any development on this area would be removed once the construction has finished and the land would revert to its original state as open space. The area to the south-east corner of Thames Chase Forest Centre would require temporary possession to allow the laying out of a permissive path and re-instatement landscaping which are in keeping with the general character and use of Thames Chase Forest Centre.
- D.5.86 For the reasons set out above, the Area D **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) in that there would be no loss of open space. Any temporary disruption would be outweighed by the benefits of the Project. The Area D **does not engage** sections **131** and **132** of the Planning Act 2008 as there would be no permanent acquisition of land or rights.

Plate D.9 Existing Special Category Land – Thames Chase Forest Centre



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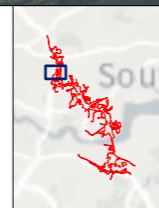
P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

Legend

- Order Limits
- Existing Public Rights of Way
- Points of Access
- Existing
- Special Category Land
- Open Space

Site Area

- A
- B
- C
- D

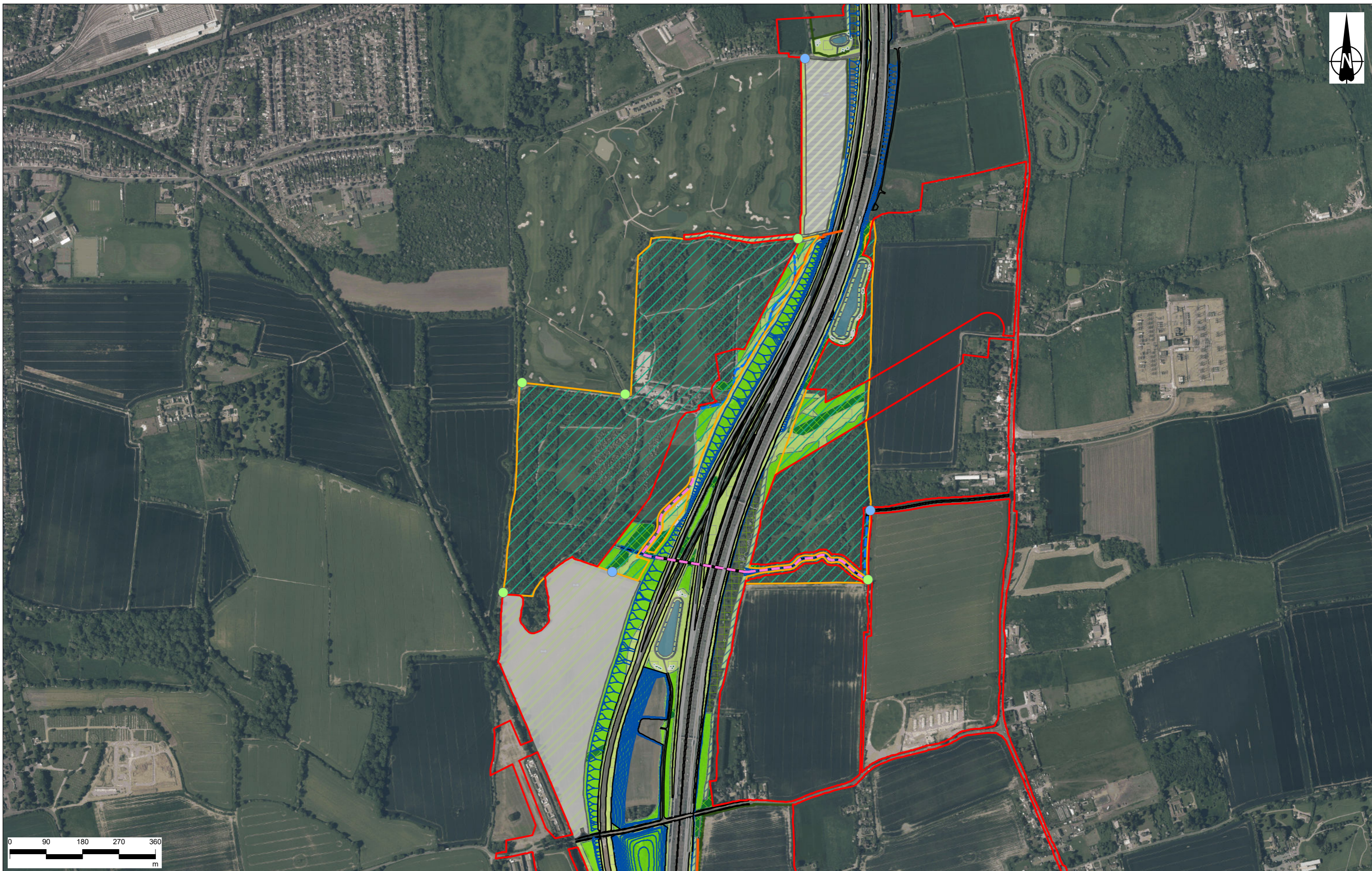


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Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:8,500		
Drawing Title	Existing Special Category Land				
Location:	Thames Chase Forest Centre				
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01				

Plate D.10 Existing and Replacement Special Category Land – Thames Chase Forest Centre



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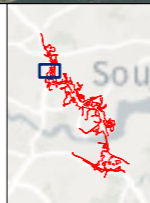
Notes some layers are filtered or visually clipped in the map to highlight the special category and replacement land of interest and proposals in close proximity.

The delivery of the planting, mitigation and works shown is subject to the provisions and constraints of the draft Development Consent Order.


Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd
P01	S2	10/25/2022	DCO Application	MW	RS	AB

Legend

- ▬ Order Limits
- ▬ Alignment
- ▬ Road Markings (Solid)
- ▬ Earthworks
- Points of Access
- Retained Existing
- Proposed
- Special Category Land
- Potential Open Space
- Special Category Replacement Land
- ▬ Non Motorised User Strategy
- ▬ Footpath - New
- ▬ Bridleway - New
- ▬ Permissive Bridleway - New
- ▬ Diverted Footpath Permissive Bridleway Use
- LE8.5 Ecology Pond (Indicative Symbol)
- LE8.1 Open Mosaic Habitat
- LE6.4 Wet Grassland
- LE6.11 Water Bodies - Standing Water
- LE6.2 Banks and Ditches (Polygon)
- LE4.3 Native Species Hedge (Untrimmed)
- LE2.5 Shrubs with Intermittent Trees
- LE2.7 Scattered Trees
- LE2.11 Woodland with Non-Native Species
- LE2.2 Woodland Edge
- LE1.3 Species Rich Grassland
- LE4.3 Native Species Hedge (Untrimmed)



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Project

LOWER THAMES CROSSING

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:8,500		
Drawing Title	Existing and Replacement Special Category Land				
	Location: Thames Chase Forest Centre				
Drawing Number	DCO_SCL_A3_Landscape_ReplacementSCL_REV01				

Folkes Lane Woodland

Existing site and context

- D.5.87 Folkes Lane Woodland is located north of the M25 junction 29 on the western side of the M25. The woodland forms part of the wider Thames Chase Community Forest network. The site can be accessed via Folkes Lane and Beredens Lane via a footbridge of the M25.

The Project's impact

- D.5.88 **Area A:** Permanent acquisition of land along the eastern end of the site (3,000m²) adjacent to the existing M25 would be required for improvement to the existing M25 (Plot 46-18). The Project proposes to provide replacement land.
- D.5.89 **Area B:** Temporary possession of land and permanent acquisition of rights (14,808m²) for diversion and modification of utility works (underground gas utilities) would be needed at the centre of the woodland (Plots 46-06, 46-08, 46-09, 46-11, 46-12, 46-13, 46-55). There would be new easements and restrictive covenants which would entail planting restrictions imposed on the new (diverted) location. National Highways therefore proposes to replace the order land burdened with the order right.
- D.5.90 **Area C:** Temporary possession of land and permanent acquisition of rights (3,708m²) for diversion and modification of utility works (underground multi-utilities) would be needed at the southern end of the woodland (Plot 46-26). The Project does not propose to provide replacement land.
- D.5.91 **Area D:** Temporary possession of land and permanent acquisition of rights (21,388m²) to the north of the diversion and modification of the underground gas utilities would also be needed for translocation of protected species (e.g. great crested newts) (Plots 46-04, 47-26). The Project does not propose to provide replacement land.
- D.5.92 The above sub-areas alongside notable features of the existing site are shown in Plate D.11 Existing Special Category Land – Folkes Lane Woodland.

Assessment of Areas A and B

- D.5.93 There is no local authority or independent assessment which identifies Folkes Lane Woodland as being surplus to requirements. The loss of the existing Folkes Lane Woodland would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- D.5.94 The Project proposes replacement land (Plots 47-29, 47-32, 47-33) directly to the east of the M25 footbridge on the eastern side of the M25, totalling 29,179m², which is an area of land (known as Hole Farm) owned by National Highways. Forestry England is satisfied with the replacement land in principle.

The replacement land, as shown in Plate D.12 Existing and Replacement Special Category Land – Folkes Lane Woodland would:

- a. be no less in area because the amount of land impacted (and for which replacement is being provided) is 17,808m² and the replacement land is 29,179m². This is taking into account that the replacement land is anticipated to become available for public use four years after the existing Folkes Lane Woodland is impacted by the Project, except that some areas of new planting/habitat may be fenced off to allow for them to mature. The new planting/habitat is generally anticipated to have a maturity period of five years. That planting/habitat (as well as the other factors) ensures that the replacement land is no less advantageous.
- b. be as accessible to the public as the existing Folkes Lane Woodland to be permanently acquired given that it would be located directly adjacent to the M25 footbridge connecting to the two sides of the M25.
- c. be as useful as the existing Folkes Lane Woodland to be permanently acquired as it would serve the multipurpose of public open space, woodland planting and community woodland (as part of the new Hole Farm community woodland) over a greater land area.
- d. be as attractive as or more attractive than the existing Folkes Lane Woodland to be permanently acquired given that it would also serve as high quality woodland planting and community woodland (as part of the new Hole Farm community woodland) that are in keeping with the qualities of the existing Folkes Lane Woodland.
- e. be comparable quality and nature overall to the existing Folkes Lane Woodland to be permanently acquired as it provides a setting that is comparable with the current setting. Section 6.12 of the oLEMP [REP1-173] (secured through Requirement 5 of the draft DCO [REP2-004]) notes that one of the management requirements for this area is '*To ensure replacement open space for that lost nearby would be landscaped to complement the existing site and use, linking together and functioning as one.*'

D.5.95 As such, the replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable. Therefore it would be no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public. Moreover, the benefits of the Project (including need) outweigh the loss of existing open space, taking into account the replacement land.

- D.5.96 For the reasons set out above, the Areas A and B **comply** with paragraphs **5.166** and **5.174** of the NPSNN (DfT, 2014) and the exemptions in sections **131(4)** and **132(4)** of the Planning Act 2008 apply.
- D.5.97 The replacement land will be secured through Article 40 (special category land) of the draft DCO [[REP2-004](#)]. Management and maintenance of the replacement land would be with the landowner of impacted Folkes Lane Woodland, Forestry England, unless otherwise agreed with them. For the reasons set out above, the replacement land complies with sections 131 and 132 of the Planning Act 2008. As such, the Project **complies** with paragraph **5.181** of the NPSNN (DfT, 2014) in respect of the Areas A and B.

Assessment of Area C

- D.5.98 There is no local authority or independent assessment which identifies Folkes Lane Woodland as being surplus to requirements.
- D.5.99 The Project's permanent acquisition of rights for underground multi-utilities works would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. These are works that seek to make use of the existing area of land that is already subject to easements and planting restrictions. UK Power Networks have already cleared this area to maintain their existing asset at this location and the Project would simply make use of the same area. Moreover, this is not an area where the public uses the land for recreational purposes as access to this area is fenced and there is no footpath connection to this area from the rest of the woodland.
- D.5.100 For the reasons set out above, the Area C **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of open space and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

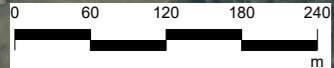
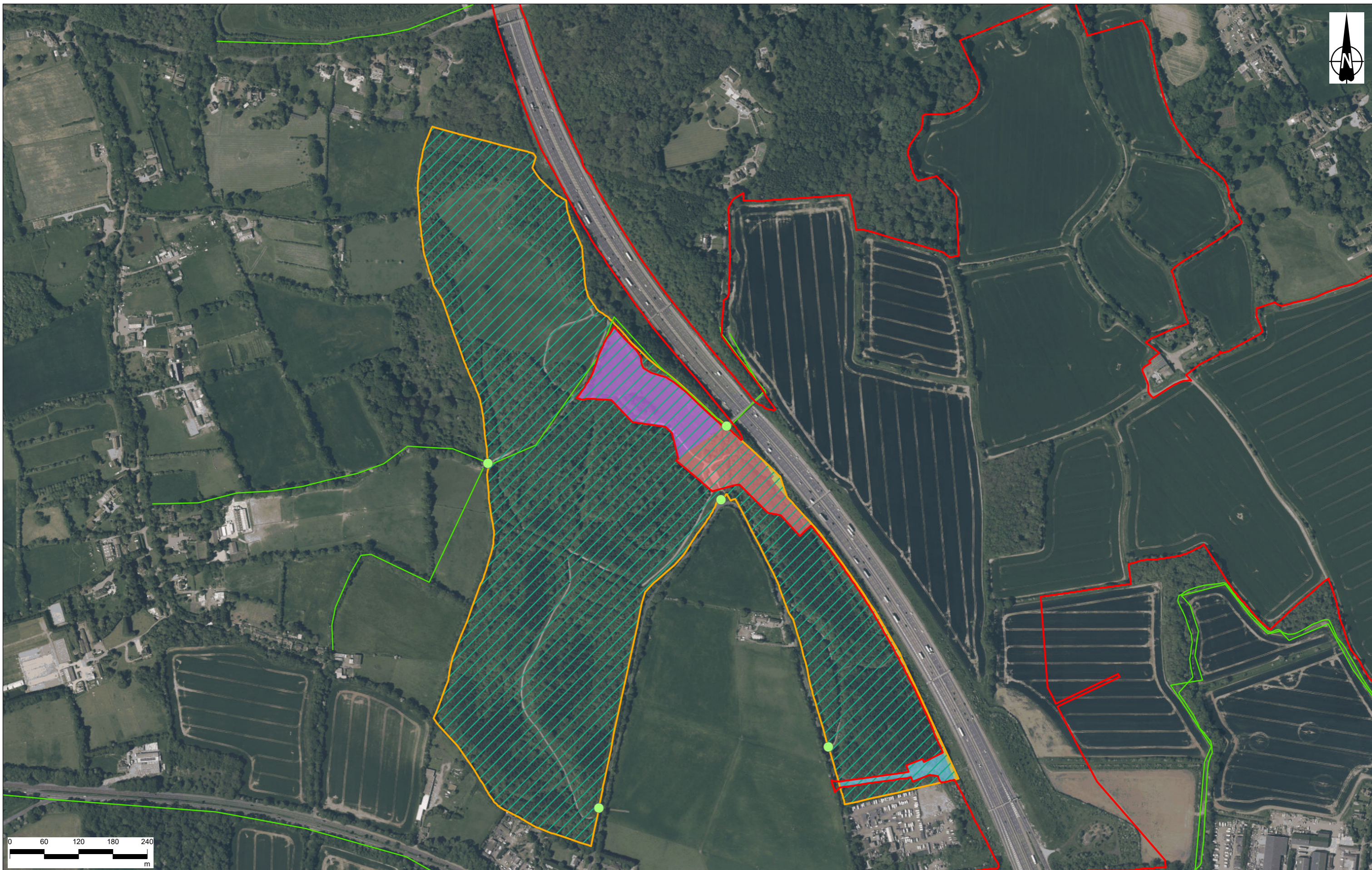
Assessment of Area D

- D.5.101 There is no local authority or independent assessment which identifies Folkes Lane Woodland as being surplus to requirements.
- D.5.102 The Project's permanent acquisition of rights for translocation of protected species would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. This is because the land would be merely subject to long-term environmental mitigation management rights for translocation of protected species without the

need for any major works or disruptions as the site is already suitable for receiving the protected species.

- D.5.103 For the reasons set out above, the Area D **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of open space and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Plate D.11 Existing Special Category Land – Folkes Lane Woodland



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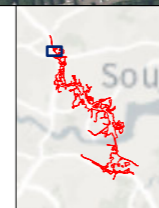
Legend

- Order Limits
- Existing Public Rights of Way
- Points of Access
- Existing
- Special Category Land
- Open Space

Site Area

- A
- B
- C
- D

P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd



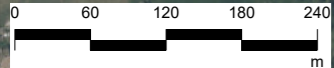
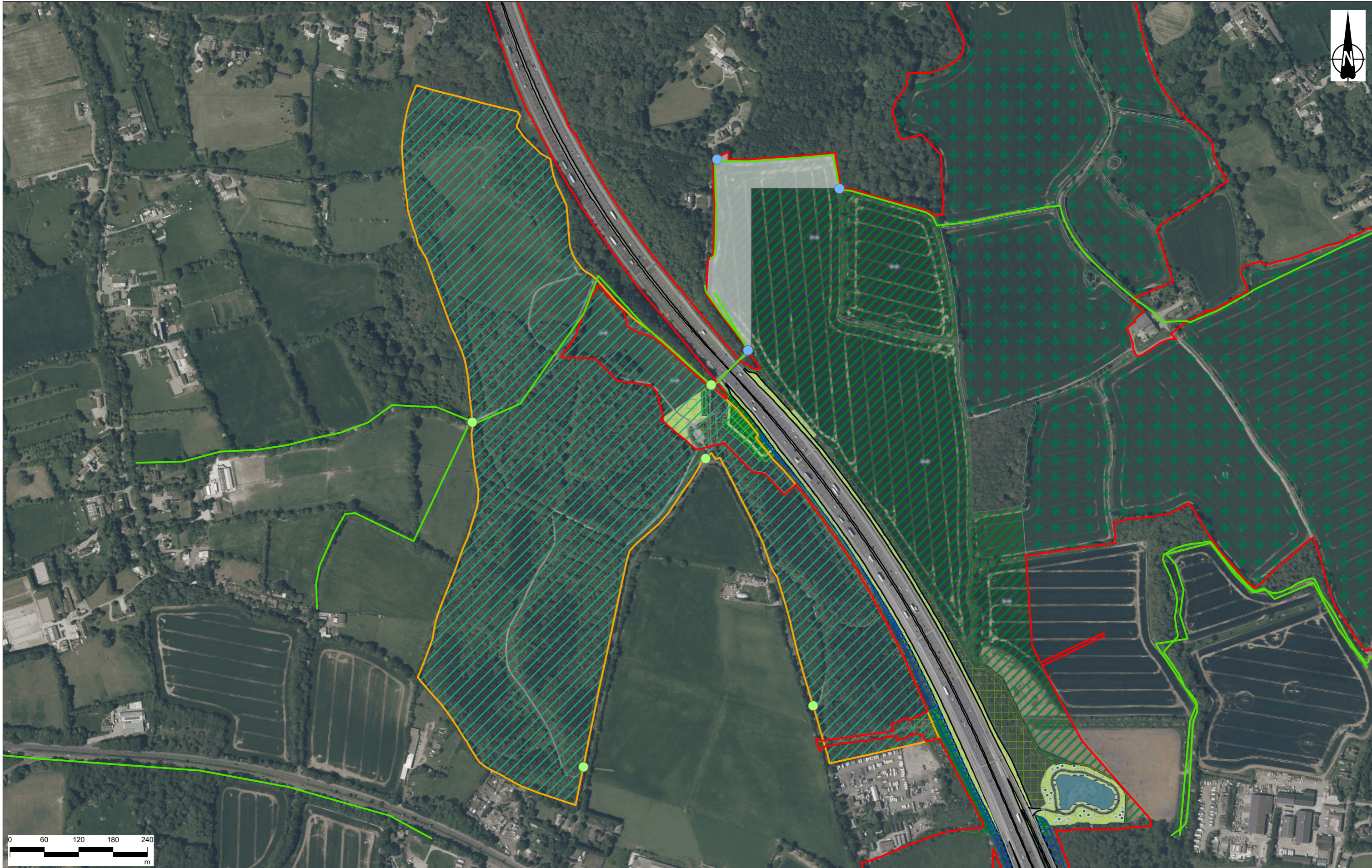
Client

Project

LOWER THAMES CROSSING

Status	DCO APPLICATION		Original Size	Revision
Application Document Number	Appendix D		A3	P01
Drawing Title	Existing Special Category Land			
	Location: Folkes Lane Woodland			
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01			
Scale 1:6,000				

Plate D.12 Existing and Replacement Special Category Land – Folkes Lane Woodland



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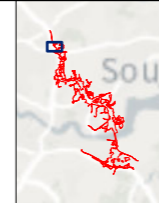
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Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd
P01	S2	10/25/2022	DCO Application	MW	RS	AB

Legend

- ▬ Order Limits
- ▬ Alignment
- ▬ Road Markings (Solid)
- ▬ Earthworks
- Points of Access
- Retained Existing
- Proposed
- Special Category Land
- Potential Open Space
- Special Category Replacement Land
- Retained Existing Public Rights of Way
- LE8.5 Ecology Pond (Indicative Symbol)

- LE8.7 Nitrogen Deposition Mitigation Planting
- LE8.2 Ancient Woodland Mitigation Planting
- LE6.4 Wet Grassland
- LE6.11 Water Bodies - Standing Water
- LE4.3 Native Species Hedge (Untrimmed)
- LE2.5 Shrubs with Intermittent Trees
- LE2.7 Scattered Trees
- LE2.1 Native Woodland
- LE2.2 Woodland Edge
- LE1.3 Species Rich Grassland



Client

Project

LOWER THAMES CROSSING

Status	DCO APPLICATION		Original Size	A3	Revision	P01
Application Document Number	Appendix D		Scale	1:6,000		
Drawing Title	Existing and Replacement Special Category Land					
	Location: Folkes Lane Woodland					
Drawing Number	DCO_SCL_A3_Landscape_ReplacementSCL_REV01					

Summary

D.5.104 The Project would provide replacement land for Shorne Woods Country Park, Tilbury Green, Ron Evans Memorial Field, Orsett Fen, Thames Chase Forest Centre and Folkes Lane Woodland in line with the policy requirements under the NPSNN (DfT, 2014), NPS EN-1 (DECC, 2011), and the statutory requirements under sections 131 and 132 of the Planning Act 2008.

D.6 Open space / common land (no replacement to be provided)

D.6.1 This section considers existing areas of open space subject to permanent acquisition or the acquisition of permanent rights where no replacement land is proposed. This section also considers those sites affected by temporary possession only. Table D.2 shows the details.

Table D.2 Open space and common land (no replacement land provided)

Location and reference	Amount of land impacted	Description	Project's proposal on land
Ashenbank Wood (Plots 04-28, 04-37, 04-123)	1.35 hectares	The current use of the site, which consists of woodland with walking tracks is recreational purposes.	Temporary possession for temporarily upgrading permissive path (for construction phase only and then to be reversed thereafter) and working room to facilitate construction (Works Nos. 1E, 1L)
Jeskyns Community Woodland (Plots 05-01, 05-02, 05-03, 05-05, 05-06, 06-56, 06-75, 06-116, 06-153)	6.01 hectares	The current use of the site is outdoor recreation, including walking, cycling and horse riding.	Temporary possession and permanent acquisition of rights for translocation of protected species (Works No. E5) Temporary possession and permanent acquisition of rights for overhead lines utilities works (Works No. OH1) Temporary possession for upgrading permissive path and access for environmental mitigation works (Works Nos. 1L, E5)
Roman Road open space (Plots 06-03, 06-14, 06-15, 07-01, 07-15, 07-17, 07-20, 07-22, 07-23,	5.39 hectares	The current use of the site is a walking and cycling route with associated open space and green infrastructure.	Permanent acquisition for a Public Right of Way and drainage facilities (Works Nos. 2M, 2P) Temporary possession and permanent acquisition of

Location and reference	Amount of land impacted	Description	Project's proposal on land
07-27, 07-28, 07-41, 08-07, 08-12)			rights for multi-utility works (Works Nos. MU15, MU16).
Cyclopark (Plots 07-02, 07-04, 07-05, 08-13, 08-14, 08-15)	0.15 hectares	The current use of the site is walking and cycling, tracks and outdoor recreation. Users are local residents and Cyclopark users from Gravesham and surrounding areas. The site is designated as public open space by Gravesham Borough Council.	Temporary possession and permanent acquisition of rights for multi-utility works (Works No. MU15)
Michael Gardens Play Area (Plots 11-02, 11-04, 11-05, 11-07)	0.16 hectares	The current use of the site is as a public garden, footpath and playground. Users are the general public from the local community, including Gravesend and Thong village. The site is designated as public open space by Gravesham Borough Council.	Temporary possession for upgrading an existing Public Right of Way (Works No. 2Q)
Walton Common (Plots 21-25, 23-170)	0.13 hectares	The land is designated as common land and makes up part of The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Fort Commons (CL 228). The affected site is not considered to be well used due to its isolated location and poor accessibility.	Temporary possession and permanent acquisition of rights for multi-utility works (Works No. MU27)
King George's Field (Plots 29-29, 29-33)	0.17 hectares	The site is used as a public park including play areas.	Temporary possession and permanent acquisition of rights for multi-utility works (Works No. MU44)

D.6.2 The areas of land affected vary from large, higher value sites to smaller, less valuable sites in terms of their amenity value. In most cases, possession would not inhibit the use of the surrounding land and, in this respect, temporary possession and the continued use of the surrounding areas can reasonably coexist.

- D.6.3 There are also a small number of areas where rights over land are to be secured on a permanent basis, following temporary possession. Similarly, following construction works, these areas would be returned to their existing uses. These rights will ensure that National Highways and Statutory Undertakers can maintain accessibility to associated infrastructure that support the safe operation of the Project and the Statutory Undertaker's asset.

Ashenbank Wood

Existing site and context

- D.6.4 Ashenbank Wood is located to the south of the A2/M2 between Jeskyns Community Woodland (to its west) and Cobham Hall (to its east). The site is used for recreational purposes and almost all of it is mature woodland with some limited open glades. There are extensive walking tracks throughout the site, which are naturally made paths without any surfacing.

The Project's impact

- D.6.5 **Area A:** Temporary possession of land (11,698m²) along the northern edge of Ashenbank Wood be needed to upgrade (e.g. install a temporary surface) the currently unsurfaced, naturally made permissive path (known as the Darnley Trail) (Plots 04-37, 04-123). This upgrade would be in place for a temporary period only to cover the duration of the construction of the Project to enable users of National Cycle Network 177 (NCN177) to be diverted. The upgraded route would be open to walkers, cyclists and horse riders during the construction of the Project only, and once the construction is complete, the upgrading work would be reversed (e.g. remove the temporary surface) to allow the route to revert to its original unsurfaced, naturally made route. The route would remain a permissive path at all times.
- D.6.6 **Area B:** Temporary possession of land (1,765m²) along the western edge of Ashenbank Wood be needed to upgrade (e.g. resurface) the existing byway (Plots 04-28, 04-37). This upgrading work within the boundary of Ashenbank Wood would be in place for a temporary period only to cover the duration of the construction of the Project to enable users of NCN177 to be diverted and would be reversed once the construction is complete.
- D.6.7 The above sub-areas alongside notable features of the existing site are shown in Plate D.13 Existing Special Category Land – Ashenbank Wood.

Assessment of Areas A and B

- D.6.8 There is no local authority or independent assessment which identifies Ashenbank Wood as being surplus to requirements, and the Project does not seek to provide any replacement land.

- D.6.9 The works proposed at Ashenbank Wood would be temporary in nature and wholly reversed once the construction of the Project is complete. In this context, Ashenbank Wood would remain undeveloped in the long term. The use of the upgraded path would also be compatible with the open space use in any event.
- D.6.10 The Areas A and B **comply** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) in that there would be no loss of open space. Any temporary disruption would be outweighed by the benefits of the Project. The Areas A and B **do not engage** sections **131** and **132** of the Planning Act 2008 as there would be no permanent acquisition of land or rights.

Plate D.13 Existing Special Category Land – Ashenbank Wood



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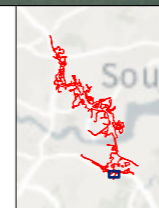
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P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

- Legend**
- Order Limits
 - Existing Public Rights of Way
 - Existing Points of Access
 - Special Category Land Open Space
 - Site Area A
 - Site Area B



Client
national highways

Project
LOWER THAMES CROSSING

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:4,000		
Drawing Title	Existing Special Category Land				
	Location: Shorne & Ashenbanks Woods				
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01				

Jeskyns Community Woodland

Existing site and context

- D.6.11 Jeskyns Community Woodland is located to the south of the A2/M2 and to the west of Ashenbank Wood. The site is used for recreational purposes with a mix of woodlands and open fields laid out. There is also a café located adjacent to the car parking areas. There are both surfaced and unsurfaced types of walking, cycling and horse-riding routes through the site, and different types of users (e.g. horse riders) are only allowed through certain routes.

The Project's impact

- D.6.12 **Area A:** Temporary possession of land and permanent acquisition of rights (8,861m²) along the northern edge of Jeskyns Community Woodland would be needed for translocation of protected species (e.g. reptiles and dormice) (Plot 06-56). This land is suitable to receive the species in its current condition. The Project is proposing minor works such as the installation of dormouse boxes and hibernacula created from log/wood/rubble piles for reptiles, and the associated access and maintenance rights are sought for long-term management.
- D.6.13 **Area B:** Temporary possession of land (653m²) along the north-western end of the site is sought to allow access for the translocation of protected species (Plot 06-116).
- D.6.14 **Area C:** Temporary possession of land and permanent acquisition of rights (38,053m²) is proposed at the northern end of the site for restringing of existing overhead power lines and pylons, along with the associated access route (Plot 06-56).
- D.6.15 **Area D:** Temporary possession of land (12,491m²) near the northern edge of Jeskyns Community Woodland would be needed to upgrade (e.g. install a new surface) the existing path which is surfaced in part and unsurfaced in part (Plots 05-01, 05-02, 05-03, 05-05, 05-06, 06-75, 06-153). This upgrade would be in place primarily to cover the duration of the construction of the Project to allow the temporary diversion for users of NCN177. However, the upgraded path could remain in place permanently (if the landowner's consent is secured) thereafter for general users of Jeskyns Community Woodland. The upgraded route would be open to walkers and cyclists whilst horse riders would use an existing alternative route directly to the north of this route. The route would remain a permissive path at all times.
- D.6.16 The above sub-areas alongside notable features of the existing site are shown in Plate D.14 Existing Special Category Land – Jeskyns Community Woodland.

Assessment of Areas A and C

- D.6.17 There is no local authority or independent assessment which identifies Jeskyns Community Woodland as being surplus to requirements, and the Project does not seek to provide any replacement land.
- D.6.18 The works proposed would be compatible with the open space use. The translocation of protected species and restringing of existing overhead powerlines would not result in the loss of the existing open space use. In this context, Jeskyns Community Woodland would not be developed in a permanent sense and would remain fully as open space. The permanent acquisition of rights for the translocation of protected species and the restringing of the existing overhead powerlines would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. The translocation of protected species would not disrupt the open space use and would only require the installation of minor items such as dormouse boxes and hibernacula created from log/wood/rubble piles for reptiles.
- D.6.19 For the reasons set out above, the Areas A and C **comply** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of open space and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Assessment of Areas B and D

- D.6.20 There is no local authority or independent assessment which identifies Jeskyns Community Woodland as being surplus to requirements, and the Project does not seek to provide any replacement land.
- D.6.21 The proposed access for the translocation of protected species would be temporary in nature and would not result in the loss of open space. The proposed upgrading of an existing path would not result in the loss of open space either and would be compatible with the open space use. In this context, Jeskyns Community Woodland would remain fully as open space.
- D.6.22 For the reasons set out above, the Areas B and D **comply** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) in that there would be no loss of open space. Any temporary disruption would be outweighed by the benefits of the Project. The Areas B and D **do not engage** sections **131** and **132** of the Planning Act 2008 as there would be no permanent acquisition of land or rights.

Plate D.14 Existing Special Category Land – Jeskyns Community Woodland



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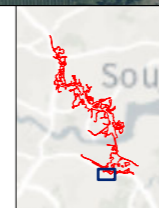
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P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Check'd	Apprv'd

- Legend**
- Order Limits
 - Existing Public Rights of Way
 - Points of Access
 - Existing
 - Special Category Land
 - Open Space
- Site Area**
- A
 - B
 - C
 - D



Client
national highways

Project
LOWER THAMES CROSSING

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:7,000		
Drawing Title	Existing Special Category Land				
Location:	Jeskyns Community Woodland				
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01				

Roman Road open space

Existing site and context

- D.6.23 The Roman Road is located between Gravesend and the A2/M2. It is primarily a walking and cycling route (NCN177) but this route has substantial green open areas (grass/planting) either side of the route laid out for public recreation. There are other recreational facilities along the route such as benches and bins laid out for public usage.

The Project's impact

- D.6.24 **Area A:** Permanent acquisition of land at the eastern end of the site (5,241m²) would be required to widen the existing road drainage attenuation pond (Plot 06-15).
- D.6.25 **Area B:** Temporary possession of land and permanent acquisition of rights (48,549m²) for diversion and modification of utility works (underground multi-utilities) would be needed underneath the existing hardstanding which is the walking and cycling route, i.e. Roman Road (Plots 06-03, 07-01, 07-15, 07-17, 07-20, 07-22, 07-23, 07-27, 07-28, 07-41, 08-07, 08-12).
- D.6.26 The above sub-areas alongside notable features of the existing site are shown in Plate D.15 Existing Special Category Land – Roman Road.

Assessment of Area A

- D.6.27 There is no local authority or independent assessment which identifies the Roman Road open space as being surplus to requirements, and the Project does not seek to provide any replacement land.
- D.6.28 The permanent acquisition is needed for the widening or drainage of an existing highway, or partly for the widening and partly for the drainage of such a highway. Replacement land is unnecessary as per the section 131(5) of the Planning Act 2008 given that the Project would only purchase a very small corner of the Roman Road open space and the overall function of the Roman Road open space would remain unaffected, and the Project would provide an entirely new recreational site nearby, i.e. Chalk Park.
- D.6.29 For the reasons set out above, the Area A **complies** with paragraph **5.174** of the NPSNN (DfT, 2014) in that the benefits of the Project (including need) outweigh the loss of existing open space, particularly taking into account the positive proposal made by the Project to create Chalk Park in the locality. For those reasons the giving of exchange land is unnecessary, and as the land is required for highway drainage, section 131(5) of the Planning Act 2008 can be relied upon.

D.6.30 For the reasons above and given that the replacement land is not required as per section 131(5) of the Planning Act 2008, the Area A **complies** with paragraph **5.181** of the NPSNN (DfT, 2014).

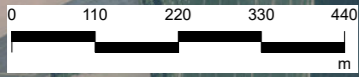
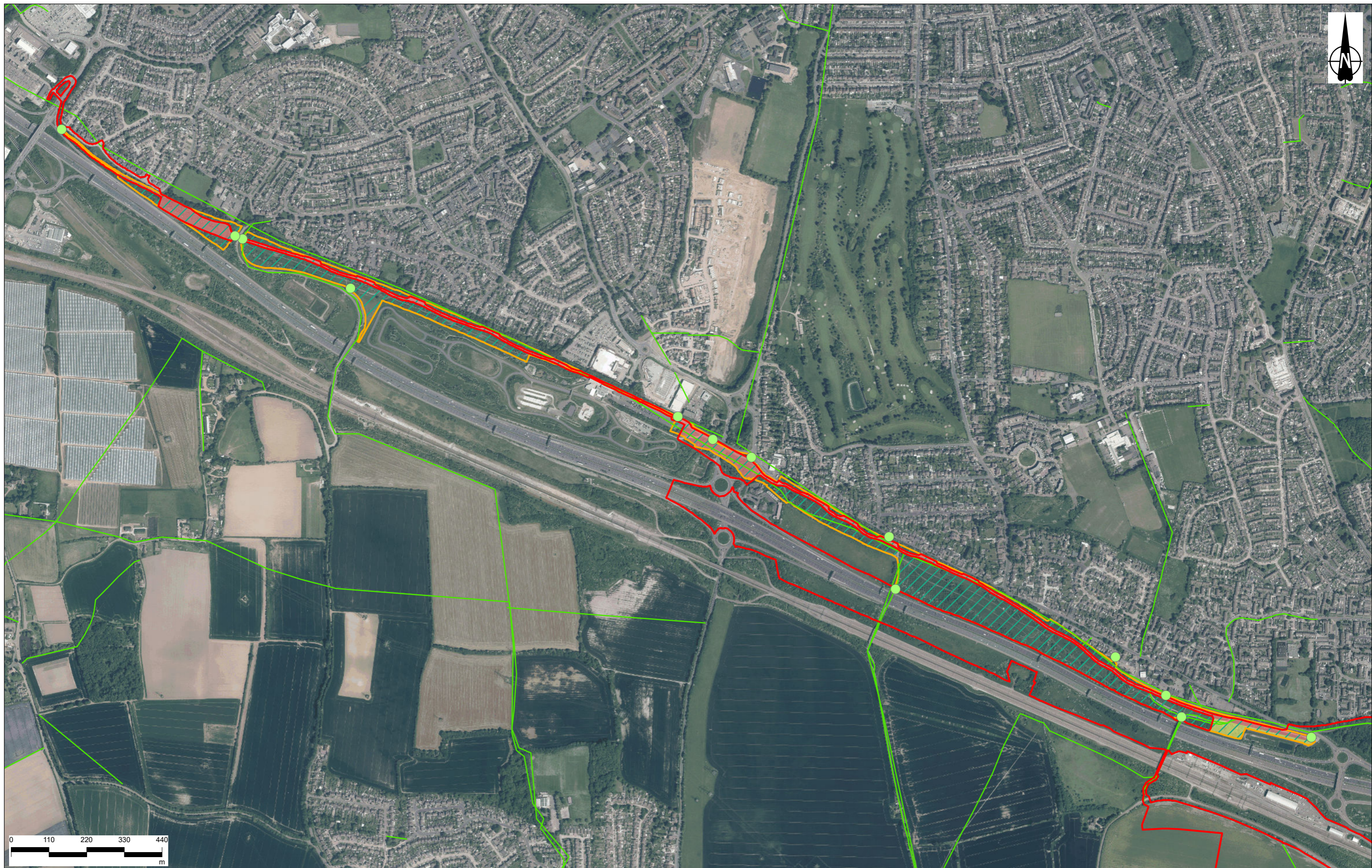
Assessment of Area B

D.6.31 There is no local authority or independent assessment which identifies the Roman Road open space as being surplus to requirements, and the Project does not seek to provide any replacement land.

D.6.32 The Project's permanent acquisition of rights for the underground multi-utilities works underneath the existing hardstanding which is the walking and cycling route (i.e. Roman Road) would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. Once complete, the public would be able to freely roam over the underground utilities and continue to use the Roman Road as a walking and cycling route. The planting restrictions would be imposed on areas where there is an existing hardstanding (i.e. the existing path) or grassland, and as such the planting restrictions would not result in the land being less advantageous.

D.6.33 For the reasons set out above, the Area C **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of open space and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Plate D.15 Existing Special Category Land – Roman Road



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P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

Legend

Order Limits

Existing Public Rights of Way

Points of Access

Existing

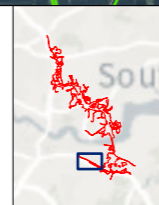
Special Category Land

Open Space

Site Area

A

B



Client



Project

LOWER THAMES CROSSING

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:10,000		

Drawing Title	Existing Special Category Land
Location:	Roman Road

Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01
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Cyclopark

Existing site and context

- D.6.34 Cyclopark is located between Gravesend and the A2/M2. Cyclopark is a multi-sport outdoor facility, that includes a skatepark, bike track and playground. Access to some on-track activities is restricted to members and fee-paying customers, however, general access to Cyclopark is unrestricted to public. Public can freely enter Cyclopark without there being any physical barrier or reception, and the main area of the site is laid out for public recreation (e.g. benches and kids play areas laid out) which is freely open to the public.

The Project's impact

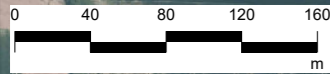
- D.6.35 **Area A:** Temporary possession of land and permanent acquisition of rights (1,463m²) for diversion and modification of utility works (underground multi-utilities) would be needed around the peripheral edges of Cyclopark without encroaching into the main site operational area (Plots 07-02, 07-04, 07-05, 08-13, 08-14, 08-15).
- D.6.36 The above sub-area alongside notable features of the existing site is shown in Plate D.16 Existing Special Category Land – Cyclopark.

Assessment of Area A

- D.6.37 There is no local authority or independent assessment which identifies the Cyclopark as being surplus to requirements, and the Project does not seek to provide any replacement land.
- D.6.38 The Project's permanent acquisition of rights for the underground multi-utilities around the peripheral edges of Cyclopark without encroaching into the main site operational area would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. A small number of car parking bays may potentially be closed temporarily whilst the works take place, but, once complete, the public would be able to freely roam over the underground utilities and continue to use the land as part of Cyclopark (e.g. for car parking purposes). The planting restrictions would be imposed on areas where there is an existing hardstanding (i.e. car park) or grassland, and as such the planting restrictions would not result in the land being less advantageous. The works would be compatible with the open space use, as they would not result in the loss of the existing open space use and would not affect the main operation of Cyclopark even during construction. In this context, Cyclopark would not be developed in a permanent sense and would remain fully as public open space, sports and recreational buildings.
- D.6.39 For the reasons set out above, the Area A **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)**

of the Planning Act 2008 applies in that there would be no loss of open space and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Plate D.16 Existing Special Category Land – Cyclopark



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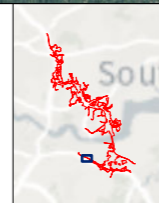
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P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

Legend

- Order Limits
- Existing Public Rights of Way
- Open Space
- Site Area
- Existing
- A

- Special Category Land



Client

 Project
LOWER THAMES CROSSING

Status	DCO APPLICATION		Original Size	P01
Application Document Number	Appendix D		A3	Revision
Drawing Title	Existing Special Category Land		Scale 1:4,000	
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01			

Michael Gardens Play Area

Existing site and context

- D.6.40 Michael Gardens Play Area is located to the south-east of Gravesend. It is accessible from Michael Gardens (road) to the west and the adjoining cultivated agricultural land, via Public Footpath NS 169, to the east. Public Footpath NS 169 runs through Michael Gardens Play Area east to west.
- D.6.41 The site is used for child's play and includes play equipment. It is designated as public open space by the Gravesham Council who are the landowners. Michael Gardens Play Area is identified in Gravesham's Council's Open Space Assessment Report (2016) as an urban open space that scores relatively well against quality and value indicators.

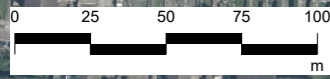
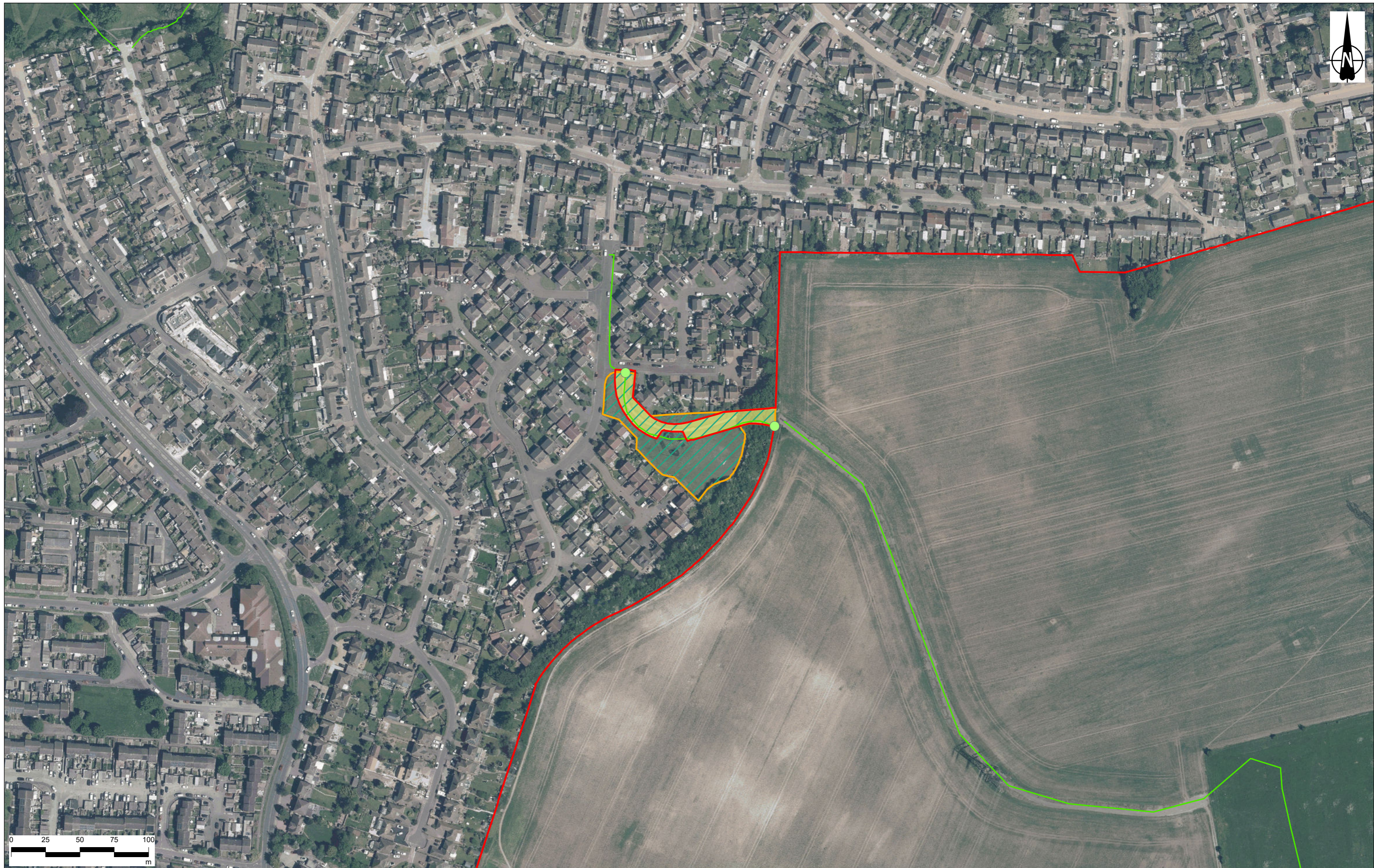
The Project's impact

- D.6.42 **Area A:** Temporary possession of a strip of land (1,616m²) along Public Footpath NS 169 is needed by the Project to upgrade the footpath to a shared use route (Plots 11-02, 11-04, 11-05, 11-07). The upgrade works are anticipated to take no longer than a month, after which the land would be returned to its existing use.
- D.6.43 The above sub-area alongside notable features of the existing site is shown in Plate D.17 Existing Special Category Land – Michael Gardens Play Area.

Assessment of Area A

- D.6.44 There is no local authority or independent assessment which identifies the Michael Gardens Play Area as being surplus to requirements, and the Project does not seek to provide any replacement land.
- D.6.45 The works proposed at Michael Gardens Play Area would be temporary in nature and comprise the upgrading of an existing footpath which would improve the utility of the public open space once complete. The use of the upgraded WCH route would be compatible with the existing recreational use and, following the completion of works, the land would be returned to its existing use.
- D.6.46 For the reasons set out above, the Area A **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) in that there would be no loss of open space. Any temporary disruption would be outweighed by the benefits of the Project. The Area A **does not engage** sections **131** and **132** of the Planning Act 2008 as there would be no permanent acquisition of land or rights.

Plate D.17 Existing Special Category Land – Michael Gardens Play Area



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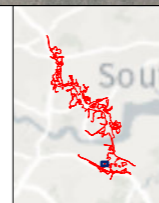
Notes some layers are filtered or visually clipped in the map to highlight the special category and replacement land of interest and proposals in close proximity.


The delivery of the planting, mitigation and works shown is subject to the provisions and constraints of the draft Development Consent Order.

P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

Legend

- Order Limits
- Existing Public Rights of Way
- Open Space
- Site Area
- Existing Points of Access
- A



Client

 Project
LOWER THAMES CROSSING

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:2,500		
Drawing Title	Existing Special Category Land				
	Location: Michaels Garden Play Area				
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01				

Walton Common

Existing site and context

- D.6.47 Walton Common is located to the east of Tilbury in Thurrock. It is registered as common land under the Commons Act 2006 (part of The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Fort Commons common land parcel (CL228)), which the public has a right of access over.
- D.6.48 Construction of the Thurrock Flexible Generation Plant (TFGP) NSIP, which was granted development consent in February 2022, would result in the loss of approximately 10.1 ha of Walton Common. A section 16 (Commons Act 2006) application to deregister the area of Walton Common affected by the TFGP was submitted by the landowner on behalf of Thurrock Power Limited, promoters of the TFGP, and has been granted by the SoS for Defra on 9 June 2022. This resulted in the release of 10.1ha of Walton Common and provision of an area of approximately 11.6ha of replacement common land to the north of the railway line in exchange. That proposed exchange land is not affected by the Project. However, a strip of common land south of the railway that made-up part of the old configuration of Walton Common has not been deregistered. This land south of the railway is only accessible from other parts of CL228 by crossing the operational railway line.

The Project's impact

- D.6.49 **Area A:** Temporary possession of land and permanent acquisition of rights for the installation of multi-utilities for the permanent power supply to the North Portal building, a permanent water supply to the North Portal building and a temporary water supply to the northern tunnel entrance compound (Work No. CA5) 1,293m² is needed by the Project (Plots 21-25, 23-170). Permanent rights would be acquired over the power cables for management and maintenance purposes. They would be installed in ducts underground. Once in place, the cables can be pulled through the ducts and repaired/reinstated without ground disturbance. Once the works are completed, the land would be returned to its existing use and the land would be capable of being used as it is now.
- D.6.50 The above sub-area alongside notable features of the existing site is shown in Plate D.18 Existing Special Category Land – Walton Common.

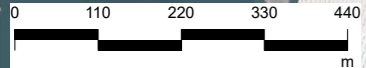
Assessment of Area A

- D.6.51 There is no local authority or independent assessment which identifies Walton Common as being surplus to requirements, and the Project does not seek to provide any replacement land.
- D.6.52 The Project's permanent acquisition of rights for the installation of utilities and easements imposed over them for the operation and maintenance of the asset would allow the order land, when burdened with the order right, to remain no

less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public. The proposed works are temporary in nature and the permanent rights to be acquired are compatible with the existing use of the common land. The proposed design has sought to reduce any potential for disturbance to the common as a result of the operation and maintenance requirements for the asset by incorporating underground ducts that the cables can be pulled through without ground disturbance.

- D.6.53 For the reasons set out above, the Area A **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) and the exemption in section **132(3)** of the Planning Act 2008 applies in that there would be no loss of common land and the order land would be no less advantageous than before. Any temporary disruption would be outweighed by the benefits of the Project.

Plate D.18 Existing Special Category Land – Walton Common

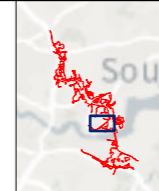


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Notes some layers are filtered or visually clipped in the map to highlight the special category and replacement land of interest and proposals in close proximity.
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P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chkd	Apprv'd

- Legend**
- Order Limits
 - Existing Public Rights of Way
 - Points of Access
 - Existing
 - Special Category Land
 - Common Land
 - Site Area
 - A



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Project
LOWER THAMES CROSSING

Status	DCO APPLICATION	Original Size	A3	Revision	P01
Application Document Number	Appendix D	Scale	1:10,000		
Drawing Title	Existing Special Category Land				
Location:	Walton Common and Parsonage Common				
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01				

King George's Field

Existing site and context

- D.6.54 King George's Field is a public park (including play areas) in Grays. It is located to the south of the A13/A1089 junction on the western side of the A1013. Whilst the site is not shown as an open space in Thurrock Council's Community Needs and Open Spaces Study, Thurrock's Core Strategy Policies Map identifies the site as open space. The site as a whole is used for various public recreational purposes (including, for example, walking and relaxing) and playing fields (including, for example, football) but the area within the Order Limits is a peripheral edge of the site that appears to be used only as a walking route/path and not used as a playing field.

The Project's impact

- D.6.55 **Area A:** Temporary possession of land (1,689m²) at the eastern corner of the field would be needed temporarily as part of the utilities working area for the proposed underground utilities work along the adjacent A1013 (Plots 29-29, 29-33).
- D.6.56 The above sub-area alongside notable features of the existing site is shown in Plate D.19 Existing Special Category Land – King George's Field.

Assessment of Area A

- D.6.57 There is no local authority or independent assessment which identifies King George's Field as being surplus to requirements, and the Project does not seek to provide any replacement land.
- D.6.58 The works proposed would be temporary in nature and wholly reversed once the construction of the utilities is complete. Any development on this area would be removed once the construction has finished and the land would revert to its original state as open space. In this context, King George's Field would remain undeveloped in the long term.
- D.6.59 For the reasons set out above, the Area A **complies** with paragraphs **5.166**, **5.174** and **5.181** of the NPSNN (DfT, 2014) in that there would be no loss of open space. Any temporary disruption would be outweighed by the benefits of the Project. The Area A **does not engage** sections **131** and **132** of the Planning Act 2008 as there would be no permanent acquisition of land or rights.

Plate D.19 Existing Special Category Land – King George’s Field



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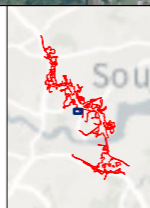
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P01	S2	10/25/2022	DCO Application	MW	RS	AB
Rev	Status	Rev. Date	Purpose of revision	Drawn	Check'd	Appr'd

- Legend**
- Order Limits
 - Open Space
 - Existing Public Rights of Way
 - Site Area
 - Existing Points of Access
 - A



Client
national highways

Project
LOWER THAMES CROSSING

Status	DCO APPLICATION		Original Size	Revision
Application Document Number	Appendix D		A3	P01
Drawing Title	Existing Special Category Land			
	Location: King George's Field			
Drawing Number	DCO_SCL_A3_Landscape_ExistingSCL_REV01			

Summary

- D.6.60 The Project would provide no replacement land for Ashenbank Wood, Jeskyns Community Woodland, Roman Road open space, Cyclopark, Michael Gardens Play Area, Walton Common and King George's Field in line with the policy provisions under the NPSNN (DfT, 2014), NPS EN-1 (DECC, 2011), and the statutory provisions under the sections 131 and 132 of the Planning Act 2008.

D.7 Proposed recreational sites

- D.7.1 There are two recreational sites proposed which would provide a wider benefit to community. A full assessment of the proposed recreational sites is presented within the ES Chapter 13: Population and Human Health [[APP-151](#)] and the Project Design Report [[APP-506](#) to [APP-515](#)].

Tilbury Fields

- D.7.2 New sculptural landscape earthworks on Goshems Farm would be designed with elevated areas to create vistas (above the surrounding landfill) across the Thames Estuary and guide views to features such as Tilbury Fort and Coalhouse Fort, which reflect the military history of the Thames. The earthworks shall be designed to be capable for use in pastoral agriculture with suitable gradients. They would be publicly accessible via formal and informal paths through the landforms that would follow historic routes and allow users to reach the elevated areas. The vast majority of this area is not currently accessible to the public, with the only public access being provided along the river front, and therefore the Project's proposal to create Tilbury Fields would significantly improve the provision of publicly accessible recreational areas in this locality.
- D.7.3 This provision is secured by means of the Requirement 3 (detailed design) of the Schedule 2 (requirements) of the draft DCO [[REP2-004](#)] to carry out the Project in accordance with the general arrangement drawings.

Chalk Park

- D.7.4 The Project seeks to generate a positive legacy of Green Infrastructure, and the design proposals include provision of a recreational landscape for north-eastern Gravesend and Chalk, currently an area of limited public open space provision. The new recreational landscape (known as Chalk Park) would both provide open space and create a desirable separation between the South Portal and the edge of Gravesend. Recreational routes are proposed that build upon the routes of existing paths and respond to the proposed topography.
- D.7.5 This provision is secured by means of the Requirement 3 (detailed design) of the Schedule 2 (requirements) of the draft DCO [[REP2-004](#)] to carry out the Project in accordance with the general arrangement drawings.

Glossary

Term	Abbreviation	Explanation
A122		The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO [REP2-004]
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
A122 Lower Thames Crossing/M25 junction		New junction with north-facing slip roads on the M25 between M25 junctions 29 and 30, near North Ockendon.
A13/A1089/A122 Lower Thames Crossing junction		Alteration of the existing junction between the A13 and the A1089, and construction of a new junction between the A122 Lower Thames Crossing and the A13 and A1089, comprising the following link roads: <ul style="list-style-type: none"> • Improved A13 westbound to A122 Lower Thames Crossing southbound • Improved A13 westbound to A122 Lower Thames Crossing northbound • Improved A13 westbound to A1089 southbound • A122 Lower Thames Crossing southbound to improved A13 eastbound and Orsett Cock roundabout • A122 Lower Thames Crossing northbound to improved A13 eastbound and Orsett Cock roundabout • Orsett Cock roundabout to the improved A13 westbound • Improved A13 eastbound to Orsett Cock roundabout • Improved A1089 northbound to A122 Lower Thames Crossing northbound • Improved A1089 northbound to A122 Lower Thames Crossing southbound
A2		A major road in south-east England, connecting London with the English Channel port of Dover in Kent.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Construction		Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access), and ends with demobilisation.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual containing requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is highway authority. For the A122 Lower Thames Crossing the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.

Term	Abbreviation	Explanation
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Highways England		Former name of National Highways.
M2 junction 1		The M2 will be widened from three lanes to four in both directions through M2 junction 1.
M2/A2/Lower Thames Crossing junction		New junction proposed as part of the Project to the east of Gravesend between the A2 and the new A122 Lower Thames Crossing with connections to the M2.
M25 junction 29		Improvement works to M25 junction 29 and to the M25 north of junction 29. The M25 through junction 29 will be widened from three lanes to four in both directions with hard shoulders.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
National Planning Policy Framework	NPPF	A framework published in March 2012 by the UK's Department of Communities and Local Government, consolidating previously issued documents called Planning Policy Statements (PPS) and Planning Practice Guidance Notes (PPG) for use in England. The NPPF was updated in February 2019 and again in July 2021 by the Ministry of Housing, Communities and Local Government.
National Policy Statement	NPS	Set out UK government policy on different types of national infrastructure development, including energy, transport, water and waste. There are 12 NPS, providing the framework within which Examining Authorities make their recommendations to the Secretary of State.
National Policy Statement for National Networks (DfT, 2014)	NPSNN	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. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc that require a development consent under the Planning Act 2008.
North Portal		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
Operation		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.

Term	Abbreviation	Explanation
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Planning Act 2008		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.
Project road		The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO [REP2-004].
Project route		The horizontal and vertical alignment taken by the Project road.
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

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