

Appendix 1 Heritage response	
LIR Reference	LIR Reference Local Impact Report Extract / Applicant's Response/GBC Response to Applicant's Comments
Paragraph 6.1 – 6.4 (and paragraph 3.5 of Appendix 6)	<p>Cultural Heritage</p> <p>The main document of relevance is APP-144 6.1 ES – Chapter 6 – Cultural Heritage</p> <p>There are extensive appendices including much survey information from investigative archaeological work. On this subject the Borough Council takes the lead on heritage assets and conservation areas, but looks to KCC for archaeological advice provided under a service agreement.</p> <p>Appendix 6 to the LIR [REP1-232] contains a full report prepared internally on cultural heritage.</p> <p>Section 7 of that report contains a list of suggested amendments or other measures to avoid, mitigate or compensate for the harms to Cultural Heritage that have been assessed.</p> <p>Appendix 6 states, at paragraph 3.5, that:</p> <p>For the avoidance of doubt, the Council has concerns regarding the methodology employed by the applicant in undertaking the ES in relation to cultural heritage. In particular, the Council has concerns that:</p> <ul style="list-style-type: none"> • The ES concentrates on harm to individual heritage assets and does not consider harm to cultural heritage 'in the round'; • The ES is not consistent with national policy in terms of the 'value' assigned to heritage assets or categorisation of 'harm'; and • The ES does not go beyond a high level Historic Landscape Categorisation (HLC) assessment to consider the importance of local landscape development at a more localised level.
Applicant's Response	The methodology used by the Applicant in relation to cultural heritage is set out in Chapter 7 of the Environmental Impact Assessment – Scoping Report and was accepted in the Scoping Opinion. Historic England (as the

Government's adviser on all aspects of the historic environment in England) and Kent County Council have not challenged the methodology.

In response to the matters summarised at paragraph 3.5 of Appendix 6:

- Heritage assets have been considered by period and geographical region in ES Appendix 6.1: Cultural Heritage Desk-based Assessment [[APP-351](#) to [APP-354](#)], which provides an overarching assessment of the Project's heritage effects. The assessment of individual heritage assets is, however, entirely aligned with the relevant policy tests in the NPSNN at paragraphs 5.120 - 5.142 – which are definitive in requiring assessment of impact on heritage assets.
- Paragraph 3.10 of Appendix 6 of the LIR outlines the WebTAG methodology for Economic Appraisal and suggests that this methodology should be used in the Environmental Impact Assessment. This is not appropriate. As set out in paragraph 1.3.3 of TAG unit A3 '...the appraisal recommended in this TAG Unit is not intended to be an alternative to, or a replacement for the environmental impact assessment. Rather, it is intended to complement that work'.

In terms of value, GBC has concerns with the approach the Applicant has taken to use the criteria set out in DMRB LA 104 to assign value, based on the asset's international, national, regional and local significance. This differs from the NPSNN in two respects: firstly it separates out the very highest category of asset, the World Heritage Site, acknowledging that in order to be inscribed on the Register, UNESCO must judge the site to be of "outstanding value to humanity", as this is clearly a level of value beyond normal, it is appropriate to create a very high value category; and secondly, all nationally designated assets are assigned a high value, meaning that Grade II buildings are given a high value. But importantly, the difference in value does not change the implementation of policy and the decision over whether harm should be exceptional or wholly exceptional.

For designated heritage assets, the Applicant recognises that there can only be three categories of harm in policy terms: substantial harm; less than substantial harm; and no harm (and note that for heritage does not fully align with the "typical description" in Table 3.7 of DMRB LA 104). The Applicant has regarded the category of "less than substantial harm" to cover any harm below the level of substantial. This means that designated assets that have been assessed as having a slight effect are still regarded as experiencing a degree of harm. In order to ensure any designated asset experiencing "less than substantial harm" are considered, detailed descriptions of the impact on designated heritage assets where an effect that is not significant have been predicted, are included within ES Chapter 6: Cultural Heritage [[AS-044](#)].

	<ul style="list-style-type: none"> The ES does not go beyond a high level Historic Landscape Categorisation (HLC) assessment to consider the importance of local landscape development at a more localised level (Appendix 6, paragraphs 3.28 to 3.41). <p>The Applicant believes the use of Historic Landscape Characterisation is proportionate and was set out in Chapter 7 of the Environmental Impact Assessment - Scoping Report and was accepted by PINs and not questioned in their Scoping Opinion. The draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (AMS-OWSI) allows for additional research and recording of any historic landscape identified as part of the Project.</p>
<p>GBC Response to Applicant's Comments</p> <p>Paragraph 6.1 – 6.4</p> <p>(and paragraph 3.5 of Appendix 6)</p>	<p>The EIA Scoping Opinion dates back to 2017, when DMRB guidance on the assessment of impacts on Cultural Heritage was contained in the withdrawn HA208/07 (https://www.standardsforhighways.co.uk/tses/attachments/1a4ae444-13a7-4249-9c7c-692f5cb11e14?inline=true) and not the updated LA106: Cultural Heritage Assessment (Jan 2020). The comments made by PINS in the Scoping Opinion should therefore be read in that context.</p> <p>Whilst the applicant relies on the PINS Scoping Opinion (see - https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-000033-LTC%20-%20Scoping%20Opinion.pdf) to justify the methodology, it is noted that this states at 1.1.9 that this was provided on a 'without prejudice' basis and should not be construed as implying that the Inspectorate agreed with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. The ExA's attention is also drawn to paragraph 3.3.6 of the Scoping Opinion whereby PINS required the applicant to not just have regard to the Inspectorate's comments set out in the table in Section 4 but should also demonstrate consideration of the points raised by the consultation bodies – including GBC.</p> <p>In terms of HA208/07, GBC notes at the time of issuing the Scoping Opinion, this distinguished between individual heritage assets and the totality of the cultural heritage resource impacted on in the following way:</p> <p>2.7 A cultural heritage asset is an individual archaeological site or building, a monument or group of monuments, an historic building or group of buildings, an historic landscape etc., which, together with its setting, can be considered as a unit for assessment.</p> <p>2.8 The cultural heritage resource comprises the totality of archaeological remains, historic buildings and historic landscapes, which have been split for the purposes of this guidance into sub-topics only to assist</p>

the exposition of the appropriate methods of study. The cultural heritage resource is a continuum, and the cultural heritage assessment is concerned with the effects on the whole resource.

GBC has been consistent in terms of its concerns over the applicant's EIA methodology in relation to Cultural Heritage as is evidenced by its response to the EIA Scoping Report, appended to the PINS Scoping Opinion at pages 129 – 135. This has also been reflected in subsequent responses to the applicant's consultations, where GBC has pointed out the sensitivity of the area in terms of its historic development and that this should be considered holistically, as part of the wider landscape development of the Cobham Hall Estate as a unit. GBC's concern is that this is not adequately reflected in the applicant's assessment of harm and that there is need for further thought to be given as to how this might be mitigated.

Whilst the applicant's comments in relation to the positions of Historic England and KCC on methodology are noted, it is perfectly legitimate for GBC to question the approach adopted and conclusions reached in the ES given the significant impact the project will have on Gravesham, its people, and its historic environment. GBC has undertaken considerable research to better understand the significance of cultural heritage in the affected area and has worked closely with KCC on this, sharing outputs as work progressed. In terms of its final conclusions, GBC notes that KCC's LIR ([REP1-241](#)) at 15.11 and 15.66 onwards that impacts on cultural heritage will be either negative or neutral, with few positive benefits save those associated with excavation, recording and dissemination of findings.

It is for this reason that GBC has suggested amendments to the scheme to reduce impacts (in particular re-thinking the proposal to create mosaic habitat to the east of Thong) and for the applicant to commit to funding to support research into the historic landscape that once formed part of the wider Cobham Hall Estate, to better reveal its significance.

In terms of the detailed points made by the applicant:

- In terms of the assessment of individual heritage assets being aligned with the relevant policy tests in the NPSNN at paragraphs 5.120 - 5.142 and these are definitive in requiring assessment of impact on heritage assets, GBC comments as follows. Whilst the NPSNN refers to assessment of impact on individual heritage assets, their significance is potentially derived from the inter-relationship of several assets and their shared setting. In this sense, context is important. GBC is of the opinion that adopting a more nuanced, holistic approach, is more consistent with the legal (not policy) requirement of the Infrastructure Planning

(Environmental Impact Assessment) Regulations 2017 to describe impacts on cultural heritage which will include all aspects cumulatively in the round and not simply individual assets.

- With reference to the applicant's point in relation to paragraph 3.10 of Appendix 6 of GBC's LIR that it is not appropriate to use WebTAG guidance because paragraph 1.3.3 of TAG unit A3 states that '...the appraisal recommended in this TAG Unit is not intended to be an alternative to, or a replacement for the environmental impact assessment. Rather, it is intended to complement that work' – GBC responds as follows. GBC would concur that there are some instances where WebTAG is not appropriate to underpin EIA because it is designed for a different purpose. However, in this instance, the paragraphs to which the applicant refers are consistent with EIA principles, irrespective of whether they are included in a WebTAG document or DMRB. TAG unit A3 is concerned with environmental impact appraisal, which can dovetail with and overlap the EIA assessment process. The Council would question whether the applicant can explain what its substantive objection is here and why the approach to a qualitative assessment of environmental impacts on cultural heritage should not follow the same principles? In the event of the ExA determining that the same principles should apply, GBC would contend that the EIA should be updated to reflect this.
- Whilst GBC understands why the applicant has sought to include a 'Very High' value category for some types of heritage assets (i.e. World Heritage Sites) and that this may be consistent with its own internal guidance, it is inconsistent with national policy which is based on scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites all being of equal status in terms of decision making. GBC notes that the ExA has raised this as an issue under Question 12.1.7 of EXQ1 dated 15 August 2023. GBC reserves its right to comment on the applicant's response and assessment of implications.
- In terms of assessment of level of harm, it is noted that the applicant accepts that this should be restricted to three categories as per case law – i.e. effectively 'substantial', 'less than substantial', or 'no harm' to significance. GBC notes that the ExA has raised Questions 12.14, 12.15 and 12.16 in relation to the thresholds used and weight attached to levels of harm in policy terms. GBC will comment on the applicant's response and assessment of implications in due course.
- GBC has no objection to the applicant's use of Historic Landscape Characterisation as a starting point for understanding the impacts of the proposal south of the river on historic landscape as a cultural heritage asset. The issue however is that little or no consideration is given as to how the categorised areas of landscape fit together and the overall level of impact as a wider integrated area of historic landscape that once formed part of the wider Cobham Hall Estate. Here, the possibility has not been examined as to

whether the sum of the parts has a higher value when considered as a whole or whether the harm to significance should be considered higher as a result. On this, GBC points the ExA in the direction of the following documents:

- [AS-044](#) 6.1 Environmental Statement: Chapter 6 – Cultural Heritage at 6.4.179 to 6.4.195 and 6.6.291 to 6.6.310
- [APP-351](#) 6.3 Environmental Statement: Appendix 6.1 – Cultural Heritage Desk-based Assessment (1 of 4) at 5.4 page 165 onwards
- [APP-353](#) 6.3 Environmental Statement: Appendix 6.1 – Cultural Heritage Desk-based Assessment (3 of 4) Relevant pages under Figure 14
- [APP-354](#) 6.3 Environmental Statement: Appendix 6.1 – Cultural Heritage Desk-based Assessment (4 of 4) Relevant pages under Figure 14.

Whilst GBC commends the applicant for the high quality of work that has been undertaken to date, it is considered reasonable for the applicant to take the next step and assess the value of the historic landscape in this sensitive area as a whole and the level of impact that is likely to occur to the whole area because of the project. It is for this reason that GBC undertook the extensive level of research that fed into its LIR – to assist both the ExA and the applicant through the examination process.