

Lower Thames Crossing

Draft Statement of Common Ground between (1) National Highways and (2) The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge

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1.0	24 August 2023	Deadline 3

Status of the Statement of Common Ground

This is a Draft Statement of Common Ground with matters outstanding.

National Highways considers that this draft Statement of Common Ground is an accurate description of the matters raised by The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge and the status of each matter, based on the engagement that has taken place to date.

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (the Applicant) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge, otherwise known as Saint Johns College (hereafter referred to as “SJC”), and where agreement has not been reached. Where matters are yet to be agreed, the parties will continue to work proactively to reach agreement and will update the SoCG to reflect areas of further agreement.
- 1.1.3 This version of the SoCG has been submitted at Examination Deadline 4.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared in respect of the Project by (1) National Highways, and (2) The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge (“SJC”).
- 1.2.2 National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain, and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Project, to be conferred upon or assumed by National Highways.
- 1.2.3 SJC possess Category 1 interests in plots 09-01, 10-01, 10-13, 10-14, 10-15, 10-16, 11-68, 11-70, 11-71, 11-72 and 11-77 as outlined in the Land Plans [REP1-009] and Book of Reference [REP1-053].

1.3 Terminology

- 1.3.1 In the matters table in section 2 of this SoCG, “Matter Not Agreed” indicates agreement on the matter could not be reached following engagement, and “Matter Under Discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Matter Agreed” indicates where the issue has now been resolved.

2 Matters

2.1 Outstanding matters

- 2.1.1 Engagement between the Applicant and SJC has been ongoing since September 2019. These discussions are summarised in Annex B of the Statement of Reasons [REP1-053].
- 2.1.2 Following submission of SJC’s Relevant Representation, discussions on matters have taken place between the Applicant and Interested Party. These discussions will be summarised in subsequent updates to Annex B of the Statement of Reasons [REP1-053].
- 2.1.3 The outcome of discussions to date are presented in Table 2.1 which details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) SJC.
- 2.1.4 Subsequent versions of this SoCG will outline the changes between versions.

Table 2.1 Matters

Topic	Item No.	Saint Johns College	The Applicant’s Response	Application Document Reference	Status
Nitrogen Deposition (plots 09-01, 10-13, 10-14 and 10-16)					
Site Selection Methodology		<p>SJC consider the methodology employed in the Project Air Quality Action Plan (PAQAP) is not sufficiently robust to justify the compulsory acquisition of its land.</p> <p>SJC believes inadequate consideration has been given to the acquisition of third party land by private treaty, which would avoid the need for compulsory acquisition.</p>			

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		<p>Inadequate consideration has also been given to the availability of suitable land further from the project which would avoid the need for compulsory acquisition.</p>			
<p>Weighting of Agricultural Land</p>		<p>SJC believe inadequate weighting has been attributed to the loss of Grade II agricultural land at a time where food security is of increasing national importance</p>			
<p>Compensation</p>		<p>SJC are unclear whether compensation for nitrogen deposition is part of the Applicant's proposal and if so what form this is.</p> <p>The Applicant has determined, on a precautionary basis, the Project would have a negative effect of nitrogen deposition on habitats in close proximity to the highway, although it is not clear that the actual effect on target species, if any, has been established. The Applicant has asserted that it needs to provide compensation for impacts on designated sites, such as Shorne and Ashenbank Woods SSSI of an equivalent area. LTC have explained that the purpose of compensation land is to provide connectivity between habitats of a similar type. It is not clear from the application why the area needs to be equivalent, rather than simply being capable of providing such connectivity. LTC’s proposals do not appear to provide connectivity between habitats of a similar type, for example the land to the west of the</p>			

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		nitrogen compensation area appears to be under considerable pressure from recreational and other activity and is very open compared with the habitat to the east.			
Mitigation		<p>There are no proposals for mitigation of effects. Reduction of speed limit below 70 mph was discounted without quantification and there are no other feasible methods of mitigation available.</p> <p>SJC consider the method of constructing 9m high barriers wouldn’t actually prevent nitrogen deposition and are not convinced it would be feasible anywhere. The only other method is speed reduction and this has only been considered to the legal limit, so SJC struggle to see why it would be classed as mitigation.</p> <p>SJC note that the largest single site affected by N deposition is Shorne and Ashenbank Woods SSSI . LTC do not propose to mitigate or compensate for the effects at this location, in situ effectively requiring compensation to be provided further away from the highway network and accepting major adverse effects at any sensitive site in close proximity to the highway. Compensatory measures are discounted under Section 7.3.5 et seq of</p>			

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		<p>the PAQAP. Part of the reasoning is that it is unlikely that suitable measures could be deined for every significantly affected site which are sufficiently additional (para 7.3.19 of PAQAP). SJC consider that this has not been sufficiently considered. Measures such as removing biomass or fencing to reduce disturbance would be one-off measures, which would have longer term benefits and be considered as resilient and sustainable in perpetuity if the measures were committed to on an ongoing basis (see para 7.3.19 of PAQAP). The management measures described at 7.3.9 and 7.3.10 of the PAQAP would have considerable benefits at the sites affected which LTC discounts with limited justification in favour of taking no action to provide compensation or mitigation and compulsorily acquiring productive Grade 2 agricultural land with naturally high nitrogen composition, which has not been shown to be suitable for the type of species LTC seeks to compensate for (noting that LTC has not indicated in the PAQAP what these species are). LTC’S proposals have LTC appear to have also ruled out the possibility of any speed restriction on this section of the highway. Table 6.173 of Appendix 8.14</p>			

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		<p>(Part 1 of 4) indicates that Operation - Ndep Base/DM/DS (max for site) kg N/ha/yr is 51.96 in the base, 47.9 in the DoMinimum and 49.55 in the DoSomething. SJC notes that the DS is lower than the base, without any mitigation. It is also noted that only the maximum increase is reported but it is suggested that 27.3 % of the entire site is affected, some 53.9 ha. It is suggested that it would be more than 15 years before the nitrogen deposition from the proposed LTC would reduce to DM levels. It is not clear how this has been assessed.</p>			
Duration & Term		<p>SJC are not convinced that land is required permanently in perpetuity for compensation of nitrogen deposition as this will reduce over time due to increasing reductions in the use of fossil fuelled vehicles. SJC cannot see how this has been considered.</p>			
oLEMP		<p>SJC notes that the outline Landscape and Ecology Management Plan (oLEMP) are in outline only which unfortunately makes it difficult for SJC to be advised on whether the Applicants proposals are acceptable, necessary or justified.</p>			
Alternative design		<p>SJC suggest an alternative way of managing the land going forwards that a) achieves the habitat connectivity that the Applicant is</p>			

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		<p>seeking, b) reduces nitrogen inputs to the land and c) retains Grade 2 farmland in sustainable production in the future.</p> <p>This has been focused on land within SJC’s ownership, although we note from, aerial photography, that there are other smaller, less viable fields for agriculture, that look at least as suitable for these purposes in the surrounding area to both the north and the south of the route.</p> <p>In essence, SJC’s proposals are to plant, close gaps and strengthen hedgerows, provide regenerative field margins to improve biodiversity and habitat corridors, and to reduce artificial fertiliser inputs to this land through regenerative farming techniques. This will improve the soil structure and retain it for future generations, contributing to food security. Please refer to the plan appended in Appendix 1t.</p> <p>SJC notes there is a desire to plant 70% of the land with trees, and would suggest that this should not be done on prime agricultural land if there is a reasonable alternative.</p>			

Topic	Item No.	Saint Johns College	The Applicant’s Response	Application Document Reference	Status
Ancient Woodland Compensation (plots 10-01, 11-72 and 11-77)					
Land Use Justification		SJC consider the Applicant’s justification for plot 11-77 for the creation of a site for ancient woodland planting has not been fully explained			
Engagement & Consultation					
Failure to engage		SJC considers only limited engagement has taken place between the Applicant and SJC. SJC believe the Applicant has not meaningfully considered the suggestions made by SJC and its advisors that alternative sites may be available to acquire by private treaty and which would not result in the loss of Grade II agricultural land			

Appendix A Glossary

Term	Abbreviation	Explanation