



Lower Thames Crossing Deadline 4 – Response to the Examining Authority’s Written Questions
(ExQ1) – Kent Wildlife Trust (KWT) – registration identification number 20035588

ExQ1	Question to:	Questions	KWT Answer
Q2.3.1	All IPs	<p>Carbon and Climate Considerations: R (oao) Boswell v Secretary of State for Transport</p> <p>What are the implications of the recent Boswell v Secretary of State for Transport High Court Judgement [2023] EWHC 1710 (Admin) in relation to the treatment of carbon and climate in NSIP decision-making for the A47 Blofield to North Burlingham, A47 North Tuddenham to Easton and A47/A11 Thickthorn Junction applications for the consideration of carbon and climate matters in the LTC Examination and decision?</p>	<p>KWT is not in the position to comment in detail regarding Boswell v Secretary of State for Transport, however there are significant discrepancies between the two in terms of scale and carbon emissions. LTC will be the biggest emitting scheme, with an estimate of 6.6 million tonnes of carbon emissions over its operational lifetime. National Highways have stated that the Project will <i>“unlock economic growth locally and national by creating a reliable new connection between the South East, Midlands and the North that brings people closer to jobs, and businesses closer to their customers and suppliers.”</i> However, these cumulative impacts have not been addressed within the DCO. KWT are concerned that the granting of this scheme will be a catalyst for further road schemes to improve the strategic route from the Midlands and the North to the Port of Dover, whilst also unlocking access to housing. Under the 2017 Regulations, these cumulative impacts must be taken into consideration regarding environmental impacts, carbon emissions and climate change. The application does not contain emissions data from existing roads that may be “unlocked” for strategic connection between the Midlands, the North and the South-East. Therefore, in our view, the cumulative carbon emissions of LTC have not met the requirement of the EIA.</p>
Q3.1.1	All IPs	<p>EIA Regulations 2017: Consideration of Reasonable Alternatives Regulation 11(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) imposes a duty on the Applicant to include ‘a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an</p>	<p>KWT acknowledge the steps taken to reduce impacts on the environment, particularly upon the internationally important habitats of the North Kent Marshes and Thames Estuary. However, whilst efforts have been made, the scheme still poses a significant threat to biodiversity. Since the start of the project there has been progress in policy around the climate and biodiversity crisis. The UK is committed to net zero and protecting 30% land and sea. Likewise, the EIA process is an iterative aspect which should respond to new environmental policies as they emerge. KWT strongly believe that LTC</p>

		<p>indication of the main reasons for the option chosen, taking into account the effects of the development on the environment' within the Environment Statement (ES). This obligation needs to be met through consideration of alternatives in terms of 'design, technology, location, size and scale' (EIA Regulations Schedule 4). The Applicant has sought to meet this obligation in ES Chapter 3 [APP-141]. The ExA is aware of issues raised in relation to this duty in Deadline 1 and 2 responses. However, it is important that if any remaining IP considers that this duty has not been addressed, that they identify their position and the reasons for it in writing in response to this question. Any response must identify the specific element(s) of the duty that in the IP's view has not been addressed.</p>	<p>should be part of a sustainable transport strategy that aligns with the UK's climate and environmental policies.</p> <p>One of the main arguments for the crossing is to reduce traffic at the existing Dartford Crossing. National Highways stated within their Route Consultation that the new crossing will improve journey time on the existing Dartford Crossing by 3 minutes southbound and 4.5 minutes northbound. This is hardly a significant difference, and we cannot see how it justifies the negative environmental impacts, increase in greenhouse gas emissions and cost of the scheme. Likewise, in 2018 the Project Director of LTC confirmed that the proposed crossing would not resolve the problems both north and south of the existing Dartford Crossing.</p> <p>Alternative options D and E were not considered worthy of further investigation as they had high scheme costs which meant that they "<i>would be unlikely to provide value for money</i>" – what were the costs of these schemes? Are they more or less than the current scheme will cost with inflation? Rail was ruled out of suitable alternative in 2009 due to "<i>the provision of rail freight as part of any new LTC would not address the rail freight capacity issues that are forecast for the area</i>". It was also stated that rail would unlikely be value for money. However, it is unclear to see how the chosen route (option C) is good value for money.</p> <p>Overall, considering the prolonged period since option C was chosen (2017) and with the more recent legislation (25 Year Environment Plan (2018), Net Zero target (2019), The Environment Bill (2021), Local Nature Recovery strategies (2021), the state of nature 30x30 target (2022) and Biodiversity Net Gain (2023)) KWT believe that the alternative route assessment should be amended to incorporate how the chosen route, and all alternative routes, in terms of design, technology, location, size and scale meet all legislations mentioned above.</p>
Q9.4.5	All IPs	<p>Mitigation ES Chapter 12 – Noise and Vibration [APP-150] contains tables with a column titled "Justification of significance conclusions". This includes mitigation secured through the robust implementation off Best</p>	<p>KWT can only comment on the impacts noise and vibration will have on wildlife and the environment. We continue to have concerns regarding the suitability of proposed mitigation and believe the mitigation hierarchy has not been appropriately applied. In our view, the proposed mitigation for birds of the Thames and Estuary and Marshes SPA</p>

		<p>Practicable Means (BPM) to reduce noise levels below the Significant Observed Adverse Effect Level (SOAEL) with reference to a XXdB(A) figure. With regard to the mitigation methods proposed, do IPs agree that the figure indicated is achievable, if not please provide reasoning?</p>	<p>and Ramsar, which includes a 3m high bund to mitigate noise, will not have an overarching positive impact. The construction of the bund itself, which is proposed to be created during April – July will likely cause significant disturbances to breeding birds. We understand the idea of the bund is to mitigate wintering bird qualifying features of the SPA, however it doesn't take into consideration the impacts to breeding birds. From reviewing ES Figure 8.15 Functionally Linked Land Transect Results – Breeding Birds, Filborough Marshes, which is the location of the proposed bund, there are numerous breeding bird territories, specifically at least 12 locations of redshank which are a qualifying species for the SPA. Other breeding species within the location of the bund include lapwing, shoveler, ruff, little egret, gadwall, little grebe and shelduck which are species listed on the SPA designation. Numerous Schedule 1 species are also plotted on the map, such as ruff, king fisher, Cetti's warbler, and marsh harrier, with barn owl and hobby recorded flying. Overall, the creation of the bunds during the breeding bird season will directly impact breeding birds, including qualifying species of the SPA and Schedule 1 species.</p> <p>Paragraph 12.5.13 of ES Chapter 12 states <i>“during the construction phase, day and night-time noise and vibration monitoring would be undertaken as locations identified in consultation with the relevant local planning authorities to ensure that the mitigation measures suggested are working effectively”</i>. However, what happens if these mitigation measures are not effective? Will work activities stop? What measures will be taken if mitigation is identified as ineffective during both the construction and operational phases? Overall, we are not satisfied that the mitigation measures will be effective or achievable.</p>
Q10.6.5	<p>Environmental Agency, LLFAs, Natural England, Wildlife Trusts</p>	<p>Mammal Ledges The Applicant proposes to introduce mammal ledges in culverts on watercourses that suggest that watercourses may be used by commuting or foraging mammals.</p> <ul style="list-style-type: none"> • Is it expected that the culvert should be designed to the full storm design parameters (including appropriate climate change additions) with the ledge remaining “dry”? 	<p>Whilst KWT cannot comment on this in detail, it is worth mentioning that water voles can swim up to 500m on the surface or 15m underwater. If a >15m culvert is fully submerged by water, water voles will not be able to use it/drown when trying to cross. Likewise, if culverts that are partially submerged are greater than 500m, water vole will unlikely be able to safely use the culvert to swim through. We strongly encourage that mammal ledges can remain “dry” so that water vole can safely use the culverts as intended.</p>

		<ul style="list-style-type: none">• If not to what design storm should the culvert design reach?• What reduction in capacity is appropriate if the mammal ledge is submerged?• What changes to the submitted documents are required if the proposals do not assume the culverts are sized to meet the full design storm with the ledges remaining “dry”.• What is the maximum length that it is considered that mammals will use such ledges?• What is the effect on the proposals if there are culverts longer than the longest appropriate length of culvert, or do not meet the suggested capacity for “dry” ledges, including what additional mitigation works are to be required? Do the Environmental Consultees have an opinion?	
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