

Lower Thames Crossing

9.103 ISH6 Action 6 and 7 Hole Farm

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 9

DATE: September 2023
DEADLINE: 4

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/9.103

VERSION: 1.0

Lower Thames Crossing

9.103 ISH6 Action 6 and 7 Hole Farm

List of contents

	Page number
1 Introduction	1
1.1 Introduction	1
1.2 Background.....	1
1.3 Double counting of mitigation and/ or compensation	2
1.4 Hole Farm Planning Application.....	5
Glossary	11

List of tables

Page number

Table 1.1 Application Documents enclosed with the Hole Farm Community Woodland Application (reference 23/00862)6

Table 1.2 Drawings enclosed with the Hole Farm Community Woodland Planning Application (reference 23/00862).....7

1 Introduction

1.1 Introduction

1.1.1 Issue Specific Hearing 6 (ISH6) Action Point 6 [\[EV-045a\]](#) requests:

‘Hole Farm Community Woodland

Provide a copy of the Planning Application in relation to the Hole Farm Community Woodland submitted to Brentwood Borough Council (as referred to by the Thames Crossing Action Group). Please also provide a summary statement identifying any additional works and benefits anticipated as being related to mitigation and/or compensation for the LTC proposed development and which would not have been included in the Hole Farm planning application proposal had LTC not been proposed.’

1.1.2 Issue Specific Hearing 6 (ISH6) Action Point 7 [\[EV-045a\]](#) requests:

‘Potential double counting of mitigation: Hole Farm

Address questions raised about the potential for the ‘double counting’ of mitigation and/ or compensation to be provided at Hole Farm. Please make reference to the fact that this site appears to have already been purchased with plans to create a community woodland which does not appear to be contingent on the construction of LTC so will be provided in any event.’

1.1.3 This document has been produced to respond to both of these Action Points.

1.1.4 The Hole Farm planning application reference 23/00862/FUL is appended to this document and comprises the documents as set out in Section 1.4

1.1.5 There is no ‘double counting’ in terms of the benefits accrued from Hole Farm. The only element of development included in the planning application that is needed for the Project is the proposed creation of six new ecological ponds as set out in Section 1.3. The ponds are included in the Hole Farm planning application to enable their early construction alongside early tree planting to avoid damage to habitat and trees that their construction could cause if delayed until after the determination of the DCO and after the early tree planting. Otherwise, the development proposed by the Hole Farm planning application is not needed for the Project and accordingly has not been included in the DCO application.

1.2 Background

1.2.1 The status of, and approach to, Hole Farm was outlined at ISH1 and in paragraph 4.6.2 of Post-event submissions, including written submission of oral comments, for ISH1 [\[REP1-183\]](#).

1.2.2 Hole Farm was initially purchased by the Applicant by agreement on 29 April 2021 to provide community woodland as part of a legacy and benefit function. Accordingly, at that stage it did not form part of the Order Limits (save in respect of a small area near the M25 on which a gas main diversion was proposed) and the benefits of the community woodland did not form part of the Project’s planning case for the purposes of the DCO application.

- 1.2.3 Following its purchase of Hole Farm, the Applicant identified Hole Farm as suitable to provide necessary compensatory and replacement land functions in response to the impacts of the Project. Accordingly, a substantial amount of the Hole Farm site was ‘reappropriated’ for the Project and was drawn into the Order Limits, as follows:
- a. 26 hectares for ancient woodland compensation
 - b. 75.2 hectares for compensation for nitrogen deposition
 - c. 2.9 hectares for replacement land, in response to special category land being acquired at Folkes Lane Woodland
- 1.2.4 The Applicant’s repurposing of Hole Farm in this way was in line with compulsory acquisition law and good practice – the Applicant looked to land that it owned first, to minimise to the extent reasonably possible acquisition of land from private landowners.
- 1.2.5 Hole Farm would be operated and managed by Forestry England, by agreement with National Highways as landowner.

1.3 Double counting of mitigation and/ or compensation

- 1.3.1 There is no ‘double counting’ in terms of the benefits accrued from Hole Farm or the mitigation and/or compensation to be delivered for the Project.
- 1.3.2 It is, however, recognised that questions about ‘double counting’ have arise in three broad contexts as addressed below.

1 – Planning application for Hole Farm

- 1.3.3 The planning application does not seek consent for the following, which are required by the Project:
- a. ancient woodland compensation
 - b. compensation for nitrogen deposition
 - c. replacement Special Category Land (open space)
- 1.3.4 Nor does the planning application claim those benefits in seeking to justify its approval.
- 1.3.5 The planning application contains material about the wider plans at Hole Farm, so that the elements for which permission is sought (e.g. the car park) are put into context. However, consent is explicitly not sought for the three elements as set out above as they do not constitute ‘development’ under section 55 of the Town and Country Planning Act 1990. Table 1: Elements of the Project at Hole Farm and planning requirements, in the Hole Farm Community Woodland Planning Statement (included as Appendix C) specifically sets out that ‘Tree planting’ and ‘Creation of rides and glades species grassland’ are not part of the planning application.
- 1.3.6 The only element of the planning application that is needed for the Project comprises the six new ecological ponds. The ponds are included in the Hole Farm planning application to enable their early construction alongside early tree

planting to avoid damage to habitat and trees that their construction could cause if delayed until after the determination of the DCO and after the early tree planting. Otherwise, the development proposed under application reference 23/00862/FUL is not needed for the Project and accordingly has not been included in the DCO application for it.

- 1.3.7 The ponds are not proposed as part of the planning application to mitigate or compensate for impacts of the development to which the application relates. Therefore, in respect of the only aspect of overlap between the two applications – the ponds – there is no question of double counting mitigation or compensation for the Project.

2 – Repurposing of Hole Farm from ‘legacy benefit’ into the DCO

- 1.3.8 When Hole Farm was purchased by National Highways, its benefits were not ‘claimed’ against any consent or approval.
- 1.3.9 The inclusion of Hole Farm in the Order Limits for the Project has materially changed the planting and ecological objectives from the original plans to meet the needs of the Project, and these objectives are secured by the draft DCO [REP3-077] through Requirement 4 of Schedule 2, and the Design Principles [REP3-110] or outline Landscape and Ecology Management Plan [REP3-106]. Specifically, clauses S14.12 ‘Open space and woodland compensation’ and S14.13 ‘Hole Farm West’ of the Design Principles [REP3-110], as well as the specific planting typologies and management requirements for Hole Farm West (Section 7.12) and Hole Farm East (Section 7.13) in the outline Landscape and Ecology Management Plan [REP3-106], comprise environmental mitigation and/or compensation for the Project and benefits that would not be delivered by any other means.
- 1.3.10 These commitments would fall away if the Project was not consented, meaning that Hole Farm could be planted in a different way. For instance, Forestry England could choose to plant different species which did not meet the objectives of the nitrogen deposition compensation.
- 1.3.11 The changes to the planting and ecological objectives were developed by the Applicant through a series of tripartite workshops with Natural England, as statutory consultee, and Forestry England, as custodian of the site, in the context of the requirements for the Project. Details of these can be found in Table A.1 of the Statement of Common Ground between (1) National Highways and (2) Natural England [REP2-008] and in paragraph 1.23 of the Hole Farm Community Woodland Planning Statement.
- 1.3.12 Feedback from Natural England shaped the planting scheme for the Hole Farm community woodland. Item 2.1.41 ‘Mitigation’ of the Statement of Common Ground between (1) National Highways and (2) Natural England [REP2-008] concerns the compensatory planting for the Project at Hole Farm. It confirms, from Natural England’s perspective:

‘Agreement on planting mixes for Hole Farm was reached through engagement with the Applicant and Forestry England. Areas intended for ancient woodland compensation will comprise native species of local provenance. Natural

England's advice is summarised by email dated 14th December 2022 to those involved in the discussions.

Natural England is confident that these remaining matters will be resolved by the detailed design stage.'

- 1.3.13 The planting scheme for the community woodland would not have taken the shape it has, had it been developed unrelated to the Project and without engagement with Natural England in the context of the Project's environmental effects and associated compensatory requirements. Item 2.1.41 of the Statement of Common Ground between (1) National Highways and (2) Natural England [REP2-008] is evidence of this.

3 – Advanced compensatory planting

- 1.3.14 Early tree planting (less than 5 hectares) at Hole Farm started in December 2022 in accordance with the compensatory requirements for the Project as set out in the outline Landscape and Ecology Management Plan [REP3-106] and planting scheme agreed with Natural England. This is land identified by the draft DCO for nitrogen deposition compensation [REP3-077].
- 1.3.15 National Highways' ownership of Hole Farm presents an opportunity for the early establishment of compensatory planting to reduce environmental effects of the Project. The environmental assessments, presented in the Environmental Statement for the Project, acknowledge the opportunity to deliver environmental compensation at Hole Farm early to ensure planting is in place and has begun to establish prior to, or early in, the construction programme for the Project.
- 1.3.16 The early delivery of essential mitigation and/or compensation in connection with a Nationally Significant Infrastructure Project is well precedented and has been undertaken by National Highways most recently in connection with the A12 Chelmsford to A120 widening scheme (junctions 19 to 25), which is a Nationally Significant Infrastructure Project, where 13 planning applications for the early establishment of ecological mitigation were submitted to three separate local planning authorities in advance of a DCO decision by the Secretary of State.
- 1.3.17 In conclusion, the ponds are not proposed as part of the planning application to mitigate or compensate for impacts of the development to which the application relates. Therefore, in respect of the only aspect of overlap between the two applications – the ponds – there is no question of double counting mitigation or compensation for the Project. The planning application does not propose '*works and benefits... [directly] related to mitigation and/or compensation for the LTC proposed development ... which would not have been included in the Hole Farm planning application proposal had LTC not been proposed*' except for the ecological ponds. Moreover, the elements of the community woodland that comprise compensation for the Project, and do not require planning permission, would not have taken the shape they have, had the Project not been proposed and, importantly, would not provide the same level of environmental compensation in the absence of the control measures secured through the draft DCO [REP3-077].

1.4 Hole Farm Planning Application

- 1.4.1 Forestry England, in partnership with National Highways as landowner, submitted a planning application (reference 23/00862) for Hole Farm community woodland facility to Brentwood Borough Council in July 2023.
- 1.4.2 The planning application is for:
- a. the creation of a community woodland facility comprising vehicular access into a 94-space car and coach park, with electric vehicle charging points and overflow area
 - b. a substation
 - c. an open sided visitor shelter
 - d. a modular café with covered outdoor seating area, bin store, cycle parking and WC facilities
 - e. demolition of a grain store and development of a community building including staff welfare and office facilities, and outdoor terrace
 - f. staff and disabled car parking
 - g. demolition of an agricultural machinery store and construction of a Forestry England barn
 - h. service yard and vehicle turning circle
 - i. surfaced and unsurfaced woodland paths
 - j. creation of six new ponds
 - k. countryside heritage and interpretation boards
 - l. informal natural play areas
- 1.4.3 Information on the consenting approach for the Hole Farm community woodland can be found at paragraphs 1.12 to 1.18 and information on the relationship to the Lower Thames Crossing proposal can be found at paragraphs 1.19 to 1.30 of the Hole Farm Community Woodland Planning Statement (July 2023) submitted as part of the planning application (reference 23/00862).
- 1.4.4 Planning application reference 23/00862 comprises the documents and drawings listed in Table 1.1 and Table 1.2, which are appended to this document.

Table 1.1 Application Documents enclosed with the Hole Farm Community Woodland Application (reference 23/00862)

Planning Application Document	Document number submitted into the LTC Examination
Cover Letter	9.103 Hole Farm Appx A
Application Form	9.103 Hole Farm Appx B
Planning Statement	9.103 Hole Farm Appx C
Design and Access Statement	9.103 Hole Farm Appx D
Transport Statement	9.103 Hole Farm Appx E.1
Road Safety Audit	9.103 Hole Farm Appx E.2
Designer's Response to Stage 1 Road Safety Audit	9.103 Hole Farm Appx E.3
Sustainability Statement	9.103 Hole Farm Appx F.8
Equality Impact Assessment	9.103 Hole Farm Appx G.1
Health Impact Assessment	9.103 Hole Farm Appx E.4
Consultation Report	9.103 Hole Farm Appx E.5
Arboricultural Impact Assessment and Method Statement	9.103 Hole Farm Appx F.1
Archaeological Desk-based Assessment	9.103 Hole Farm Appx G.2
Heritage Statement and Impact Assessment	9.103 Hole Farm Appx F.2
Interpretation Strategy	9.103 Hole Farm Appx G.3
Flood Risk Assessment	9.103 Hole Farm Appx F.3
Drainage Strategy Report	9.103 Hole Farm Appx F.4
Bat Survey Report	9.103 Hole Farm Appx F.5
Badger Survey Report (CONFIDENTIAL)	9.103 Hole Farm Appx F.6
Ecological Impact Assessment	9.103 Hole Farm Appx F.7
Preliminary Ecological Appraisal Survey	9.103 Hole Farm Appx G.4
Great Crested Newt Survey	9.103 Hole Farm Appx G.5
Waterbody Concept Plan	9.103 Hole Farm Appx G.6
Security Plan	9.103 Hole Farm Appx G.7
Structural Survey Report	9.103 Hole Farm Appx H.1
Asbestos Survey Report	9.103 Hole Farm Appx H.2

Table 1.2 Drawings enclosed with the Hole Farm Community Woodland Planning Application (reference 23/00862)

Drawing Title	Drawing number	Revision	Scale	Document number submitted into the LTC Examination
Planning Application Boundary	HE540039-CJV-VGN-GEN-DRA-LAP-08385	P04	1:6000 @A3	9.103 Hole Farm Appx I.1
Location Plan	375-FP-00-ZZ-DRG-A-000001	P05	1:5000@A1/1:10000@A3	9.103 Hole Farm Appx I.2
General Arrangement: Fee Calculation Plan	375-FP-00-ZZ-DRG-A-000054	P04	1:2500@A1 / 1:5000@A3	9.103 Hole Farm Appx I.3
Existing Site Plan	375-FP-00-ZZ-DRG-A-000002	P07	1:2500@A1 / 1:5000@A3	9.103 Hole Farm Appx I.4
Existing Buildings Cluster Site Plan	375-FP-01-ZZ-DRG-A-000010	P08	1:250@A1 / 1:500@A3	9.103 Hole Farm Appx I.5
Existing Buildings 1 & 2 Ground Floor Plan	375-FP-00-ZZ-DRG-A-000012	P06	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.6
Existing Buildings 1 & 2 Roof Plan	375-FP-00-ZZ-DRG-A-000013	P04	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.7
Existing Buildings 1 & 2 East & South Elevations	375-FP-01-ZZ-DRG-A-000020	P06	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.8
Existing Buildings 1 & 2 West & North Elevations	375-FP-01-ZZ-DRG-A-000021	P05	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.9
Existing Buildings Cluster Demolition Plan	375-FP-01-ZZ-DRG-A-000040	P05	1:250@A1 / 1:500@A3	9.103 Hole Farm Appx I.10
Proposed Overall Site Plan	375-FP-00-ZZ-DRG-A-000050	P08	1:2500@A1 / 1:5000@A3	9.103 Hole Farm Appx I.11
Proposed Buildings Cluster Site Plan	375-FP-01-ZZ-DRG-A-000051	P08	1:250@A1 / 1:500@A3	9.103 Hole Farm Appx I.12
Proposed Buildings Cluster Development Areas	375-FP-01-ZZ-DRG-A-000052	P06	1:250@A1 / 1:500@A3	9.103 Hole Farm Appx I.13

Drawing Title	Drawing number	Revision	Scale	Document number submitted into the LTC Examination
Proposed Site Plan	375-FP-00-ZZ-DRG-A-000053	P07	1:2500@A1 / 1:5000@A3	9.103 Hole Farm Appx I.14
Proposed Community Building, FE Barn & tree nursery setting - Ground Floor Plan	375-FP-01-ZZ-DRG-A-000060	P08	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.15
Proposed Community Building, FE Barn & tree nursery layout - Ground Floor Plan	375-FP-01-ZZ-DRG-A-000061	P06	1:50@A1 / 1:100@A3	9.103 Hole Farm Appx I.16
Proposed Community Building Mezzanine Floor Plan	375-FP-01-ZZ-DRG-A-000062	P04	1:50@A1 / 1:100@A3	9.103 Hole Farm Appx I.17
Proposed Community Building, FE Barn & tree nursery setting - Roof Plan	375-FP-01-ZZ-DRG-A-000063	P04	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.18
Proposed Community Building, FE Barn & Tree nursery - East & West Elevations	375-FP-01-ZZ-DRG-A-000070	P07	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.19
Proposed Community Building - North & South Elevations	375-FP-01-ZZ-DRG-A-000071	P07	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.20
Proposed FE Barn - North & South Elevations	375-FP-01-ZZ-DRG-A-000072	P04	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.21
Proposed Community Building, FE Barn & Tree nursery - Sections	375-FP-01-ZZ-DRG-A-000080	P06	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.22
Proposed Community Building - Cross Sections	375-FP-01-ZZ-DRG-A-000081	P06	1:50@A1 / 1:100@A3	9.103 Hole Farm Appx I.23
Proposed Community Building - Long Section F-F	375-FP-01-ZZ-DRG-A-000082	P06	1:50@A1 / 1:100@A3	9.103 Hole Farm Appx I.24

Drawing Title	Drawing number	Revision	Scale	Document number submitted into the LTC Examination
Proposed Forestry England Barn - Sections	375-FP-01-ZZ-DRG-A-000083	P05	1:50@A1 / 1:100@A3	9.103 Hole Farm Appx I.25
Proposed Community Building - Long Section J-J	375-FP-01-ZZ-DRG-A-000084	P05	1:50@A1 / 1:100@A3	9.103 Hole Farm Appx I.26
Proposed Car Park Location Plan	375-FP-02-ZZ-DRG-A-000100	P08	1:500@A1 / 1:1000@A3	9.103 Hole Farm Appx I.27
Proposed Modular Cafe and Open-sided Visitor Shelter Location Plan [OUTLINE PLANNING]	375-FP-02-ZZ-DRG-A-000110	P08	1:250@A1 / 1:500@A3	9.103 Hole Farm Appx I.28
Proposed Modular Café Plan [OUTLINE PLANNING]	375-FP-02-ZZ-DRG-A-000111	P08	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.29
Proposed Modular Café Elevations [OUTLINE PLANNING]	375-FP-02-ZZ-DRG-A-000113	P05	1:50@A1 / 1:100@A3	9.103 Hole Farm Appx I.30
Proposed Modular Café Sections [OUTLINE PLANNING]	375-FP-02-ZZ-DRG-A-000114	P03	1:50@A1 / 1:100@A3	9.103 Hole Farm Appx I.31
Proposed Substation Elevations [OUTLINE PLANNING]	375-FP-02-ZZ-DRG-A-000115	P04	1:100@A1 / 1:200@A3	9.103 Hole Farm Appx I.32
Pathways Design Plan	EFD-HLF PATHWAYS DESIGN PLAN 03-02-2023		1:7500 @A3	9.103 Hole Farm Appx I.33
Hole Farm Catchment Plan	HE540039-CJV-HDG-SZP_DC000000_Z-DR-CD-00012	R01	1:2500@A1/ 1:5000@A3	9.103 Hole Farm Appx I.34
Hole Farm Proposed Drainage Plan	HE540039-CJV-HDG-ZZZ_DN000000_Z-DR-CD-00001	R01	1:2500@A1/ 1:5000@A3	9.103 Hole Farm Appx I.35

Drawing Title	Drawing number	Revision	Scale	Document number submitted into the LTC Examination
Hole Farm - Car Park layout	6314_101	C	1:750 @A3	9.103 Hole Farm Appx I.36
Proposed T-bay south	Hole-Farm_Highways.001	R02	1:250 @A1	9.103 Hole Farm Appx I.37
Proposed highway works at building cluster	Hole-Farm_Highways.002.3	R02	1:250 @A1	9.103 Hole Farm Appx I.38
Proposed Car park bell mouth	Hole-Farm_Highways.003.2	R02	1:500 @A1	9.103 Hole Farm Appx I.39
Proposed Highways Masterplan	Hole-Farm_Highways.004	R01	1:1250 @A1	9.103 Hole Farm Appx I.40
Proposed Forest Management Access Route	Hole-Farm_Highways.005.1	R01	1:1000 @A1	9.103 Hole Farm Appx I.41

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 (Application Document 3.1)
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.
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.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
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.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
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.
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.

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2023 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000***.

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363