



**Application by National Highways for an Order Granting
Development Consent for the Lower Thames Crossing**

**Response of the Kent Downs AONB Unit to Procedural Deadline 5
Interested Party Ref: 20035310**

**Response to Change Request MRC01 as set out in 'Additional
Submissions - 10.4 Change Application - August 2023', published
04/09/2023.**

The Kent Downs AONB Unit considers the proposed significant reduction in the proposed nitrogen deposition compensation sites within the AONB to be wholly unacceptable.

Table 3.1 of the ES Appendix 5.6 Project Air Quality Action Plan ([link](#)) sets out the designated ecological sites where the Project is considered to have a significant effect without mitigation. Residual significant effects from nitrogen deposition (after consideration of mitigation) is predicted on 29 sites, totalling 176.4 hectares (ha) of significantly affected habitat.

It is notable that the vast majority of sites and overall area likely to be affected are located not only south of the river, but within the Kent Downs AONB and many of these are located on the actual escarpment of the North Downs, the main target of the original AONB designation. Out of the 176.4ha of land predicted to be affected, less than 19 ha would be north of the river, which equates to 89 percent of the impacts occurring south of the river, the vast majority of which would be in the AONB, the remainder of which would be in its setting.

Despite this the majority of the compensation sites proposed in the original DCO application are north of the river. The proposed Change Request MO1 further increases this disparity with the removal of one of the two proposed compensation sites in the Kent Downs and the significant reduction in the scale of the other which would result in just 43ha out of the total 204ha being provided within the AONB which equates to just 21% of the total compensation land.

Given the huge disparity of effects that is predicted north and south of the river, the combined approach to mitigation for the entire scheme that has been adopted and consequent inequitable apportionment of compensation away from where impacts have been predicted to occur is considered wholly inappropriate. This is particularly so given that the rich and distinctive biodiversity habitats of the Kent Downs AONBs are specifically recognised as one of its Special Characteristics.

It is advised by the applicant that '*Habitat creation within the wider ecological network that affected sites lie within could improve the resilience of the affected sites and the network as a whole by providing a larger net area of the relevant habitat than in the existing ecological network with greater connectivity to other areas of habitat within the network.*' However, the primary impact of Nitrogen Deposition is to the quality of the habitat, as demonstrated in the submission documents (e.g., sensitive ancient woodland assemblages) rather than to ecological connectivity. We cannot see how providing new habitat in Essex would mitigate for the impacts of Nitrogen Deposition on the internationally important wildlife sites in Kent. Given the acknowledged importance of biological rich habitats to the Kent Downs AONB, which are specifically identified as one of the AONB's special characteristics and qualities (as set out in the Kent Downs AONB Management Plan 2021 to 2026, Section 1.2 page 5, [link](#)), such an approach would neither conserve nor enhance the special character and qualities of the AONB.

Furthermore, the proposed approach of providing compensation for the identified harm to sites in the AONB on sites outside of the AONB, potentially leading to a deterioration of the habitat value of the AONB would not align with the Government's recently announced intention to accelerate nature recovery within AONBs and National Parks. As announced in the recent press release from the Department for Environment, Food & Rural Affairs on 13 September 2023 ([link](#)), and Statement on the same day made by Therese Coffey on Delivering for our Protected Landscapes ([link](#)), the Government is intending to introduce new legislation in the Levelling Up and Regeneration Bill to ensure AONBs will create 'a national network of beautiful, nature-rich spaces'. The Government is also to publish a new

Outcomes Framework that *'will define the contribution that our Protected Landscapes should make to national targets to guide local decision-making and prioritisation. This is a landmark step forward in achieving our global goal to protect 30% of land for nature by 2030.'* These steps provide a clear indication of the importance the Government attaches to the contribution AONBs make to nature, as well as scenic value.

The AONB Unit therefore considers the proposed reduction in nitrogen deposition compensation sites within the Kent Downs AONB results in a failure to provide appropriate compensation for identified harm that is predicted to occur to biodiversity rich habitats within the Kent Downs that are identified as being of international importance and that the amount of compensation should be increased within the Kent Downs AONB, rather than reduced.