

# Lower Thames Crossing 9.110 CAH2 Action 5 Response Folkes Farm – Glenroy Estates

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Procedure) Rules 2010

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## Lower Thames Crossing

# 9.110 CAH2 Action 5 Response Folkes Farm – Glenroy Estates

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# 1 Executive summary

## 1.1 Executive summary

- 1.1.1 This document has been prepared in response to Compulsory Acquisition Hearing 2 (CAH2) Action point 5 relating to 'Planning Merits Matters' raised by the oral representations made by Glenroy Estates in regard to the compulsory acquisition of land at Folkes Farm, Folkes Lane.
- 1.1.2 The Applicant is aware of the planning history of the site and the impacts from the M25 in regard to the proposed ancient woodland compensation planting (Work Number E49) and is confident that there is a compelling case for the compulsory acquisition of the land.

## 2 Introduction

### 2.1 Introduction

2.1.1 Compulsory Acquisition Hearing 2 (CAH2) Action point 5 requests the following:

*“Response to Planning Merits Matters*

*Please provide a written response to the issues raised by Glenroy Estates at CAH2 in relation to site suitability and compulsory acquisition for Ancient Woodland compensation of Glenroy Estates.”*

2.1.2 This document summarises and addresses the issues raised by Glenroy Estates at CAH2 relating to Folkes Farm.

2.1.3 Post event submission at Deadline 4 – [\[REP4-370\]](#) has been submitted to the Examination by Glenroy Estates. The submission made highlighted two issues:

- a. The first is that the land required for permanent highways (Work Numbers 9E, 9K and 9Y) and utility works (Work Number MU91) is accepted by Glenroy Estates.
- b. The second issue is that the land required for permanent acquisition for ancient woodland compensation planting is contested by Glenroy Estates for the following reasons:
  - i. Ancient woodland loss is irreplaceable, therefore there is no justification for compensatory ancient woodland planting in this location
  - ii. The likely level of nitrogen deposition occurring on the land during construction and operation of the A122
  - iii. The land in question is not suitable because of the contamination that has resulted from previous uses
  - iv. There are reasonable alternative means for the Applicant to secure planting of compensatory trees which do not require the compulsory acquisition of these plots
  - v. The Owner believes that the land required for ancient woodland compensation, if justified, does not require permanent acquisition and therefore requests that the land is only acquired temporarily on the basis that it would be returned to the landowner with a restrictive covenant.

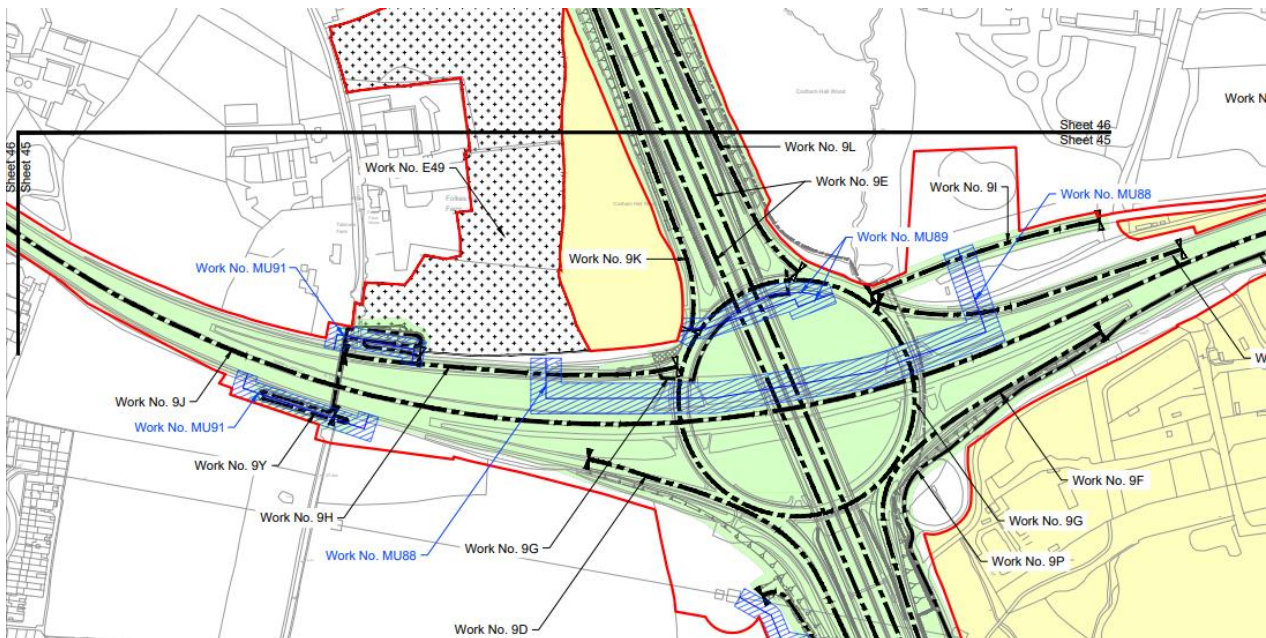
2.1.4 This document addresses the points raised by Glenroy Estates in the following order:

- a. The Applicant’s assessment of the land identified for ancient woodland compensation planting

- b. The efficacy of ancient woodland compensation planting and planning enforcement history of the site
- c. The long-term management and maintenance of the ancient woodland compensation and the justification for permanent acquisition of the land (Plots 45-56, 45-57, 45-61, 46-27)

2.1.5 The works plans indicate the land requirements for the Project as shown on Plate 2.1. Sheet 45/46 Composite Works Plans [REP4-044] shows work number E49 which states in Schedule 1 of the Draft DCO [REP4-094]: “Work No. E49 – as shown on sheets 45 and 46 of the works plans and being the implementation of environmental mitigation works to create a site for ancient woodland planting.”

**Plate 2.1 Extract from Sheet 45/46 Composite Works Plans [REP4-044] showing Work No. E49**



## 3 Permanent acquisition of the land for ancient woodland compensation planting

### 3.1 Suitability of the land proposed for ancient woodland compensation planting

- 3.1.1 Glenroy Estates identify that ancient woodland is an irreplaceable habitat, going on to state that, given this, there is no requirement for any compensation to be located in proximity to either the point of impact (the loss of ancient woodland habitat at Codham Hall Wood West) or the Project.
- 3.1.2 The Applicant has applied the mitigation hierarchy within the Project's design process to avoid, mitigate and then compensate adverse effects from its construction and operation. The application of this hierarchy throughout the various consultations held has resulted in a reduction in the extent of loss of ancient woodland habitat, but avoiding all loss of this irreplaceable habitat has not been possible.
- 3.1.3 Where ancient woodland would be lost, the Applicant has identified specific areas for ancient woodland compensation planting. The approach to this is set out in ES Chapter 8: Terrestrial Biodiversity [APP-146], paragraphs 8.5.31 – 8.5.33.
- 3.1.4 This approach has been developed in long-term discussions with Natural England, its objectives to create new high quality woodland habitat which creates new and strengthens existing links between existing retained woodland habitats. Natural England, in their Statement of Common Ground with the Applicant [REP2-008] state their support for this approach at item no. 2.1.64:
- Item no. 2.1.64: Whilst Natural England does not endorse the impacts to ancient woodland, it has held constructive discussions with the Applicant regarding the mitigation and compensation measures that would be required if the scheme is granted consent. Natural England considers the proposed compensation measures will be of particular benefit where they help build nature recovery, and Natural England supports the landscape-scale approach that has been taken to identifying the proposed compensation areas, with its aim of enhancing the resilience of the affected sites by strengthening the ecological connectivity between them."*
- 3.1.5 This principle of creating new habitats to join up existing retained habitats is similarly supported by Forestry Commission in their SoCG with the Applicant [REP4-106] at item 2.1.5, and in the Woodland Trust's written representation [REP1-306] at paragraph 11.10.
- 3.1.6 This landscape-scale approach to compensation planting aligns with Government legislation in the Environment Act 2021 and the National Policy Statement for National Networks (NPSNN) (DfT, 2014). Section 8 of the Environment Act requires the Secretary of State to prepare an Environmental Improvement Plan (Defra, 2023) which was published earlier this year. This document promotes Nature Recovery Networks which aim to create wildlife-rich habitats outside protected sites which expand the buffers on those sites and connect up these areas allowing populations to move and thrive.



- 3.1.7 The NPSNN also promotes landscape-scale mitigation through habitat connectivity. NPSNN paragraph 5.20 looks to provide biodiversity net gain through establishing more coherent ecological networks which are more resilient to future pressures.
- 3.1.8 Guidance on Ecological Impact Assessment published by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018) provides advice on how compensation measures should be considered in relation to the adverse effects. Paragraph 6.6 states: “*Compensation should be provided as close as possible to the location where effects have occurred and benefit the same habitats and species as those affected*”.
- 3.1.9 The Project would result in the loss of ancient woodland habitat from Codham Hall Wood West Site of Importance for Nature Conservation (SINC) and designated ancient woodland, one of three ancient woodland sites to be directly impacted by the Project north of the River Thames. The landscape north of the river offers limited opportunity for woodland planting that meets the Applicant’s compensation objective of creating high quality woodland which acts to join up existing woodland habitat. At each of the three ancient woodland sites affected, the Applicant has looked to create new woodland habitat immediately adjacent to the woodland impacted, aligning with the CIEEM guidance (CIEEM, 2018) that compensation should be as close as possible to the location where the effects have occurred, and benefit the same habitats and species as those affected.
- 3.1.10 Codham Hall Wood West SINC and designated ancient woodland sits between two designated woodland habitats: Franks Wood and Cranham Brickfields SINC to the south and Folkes Lane Wood SINC to the north. These sites are shown in Figure 8.1 – Designated Sites [[APP-262](#)], page 6 of 6.
- 3.1.11 The Folkes Farm site lies immediately west of Codham Hall Wood West SINC and designated ancient woodland. The proposal to acquire this site for ancient woodland compensation planting would result in 4.8ha of high quality broadleaved woodland habitat which would be continuous with Codham Hall Wood West. Its location would strengthen connectivity between the two designated woodlands lying to the north and south of the site, thus aligning with the objectives for the ancient woodland compensation planting, of creating new habitat and strengthening links between existing retained woodland.
- 3.1.12 It is this approach which adds biodiversity value to the compensation strategy, and which Natural England has stated it supports.
- 3.1.13 This woodland connectivity is further considered in the Project Design Report Part D [[APP-510](#)] which reports that north of the A127, where widening works impact upon Codham Hall Wood ancient woodland, proposed woodland areas have been designed to further add to the strong wooded character and create a clearer visual connection between the woodlands (ancient and recently planted) either side of the M25. The new A127 walking, cycling and horse-riding (WCH) bridge west will be softened on its northern access by this ancient woodland compensation planting.
- 3.1.14 It is therefore the Applicant’s view, that because of the proximity of this site to the location of the impact, the contiguous nature of the site with retained woodland habitat and the benefits of providing the compensation planting in a



location that provides connectivity to other designated woodland habitats close by, the Applicant does not consider that there is a reasonable alternative to this site which can satisfy these objectives in the same way. Folkes Farm is the correct site to provide compensation planting for the loss of habitat from the adjacent ancient woodland.

## 3.2 Nitrogen deposition effects on land proposed for ancient woodland compensation planting

- 3.2.1 Glenroy Estates raises concerns over the suitability of ancient woodland compensation planting at this location due to the likely impact of nitrogen deposition during the construction and operational phases of the Project. Key concerns relate to the fact that ancient woodland sites bisected by the existing M25, the western portion being adjacent to the Folkes Farm site, have different conclusions in the application, and that high levels of nitrogen deposition can have adverse effects on woodland habitats.
- 3.2.2 The assessment of changes to air quality, specifically nitrogen deposition, on designated sites is reported in the Environmental Statement Appendix 8.14: Designated Sites Air Quality Assessment (4 parts) [[APP-403](#) to [APP-406](#)]. The conclusions of this are that changes in nitrogen deposition during construction and operational phases of the Project would not result in significant effects on either the Codham Hall Wood West SINC or the overlapping ancient woodland designation (Ref: ID 1495743AW).
- 3.2.3 Within this technical appendix, it is reported that Codham Hall Wood Local Wildlife Site and ancient woodland, lying on the eastern side of the M25 immediately opposite Codham Hall Wood West SINC and the overlapping ancient woodland designation (Ref: ID 1495743AW), do experience potentially significant effects from increased nitrogen deposition.
- 3.2.4 The reason the sites to the west of the M25 do not experience significant adverse effects from nitrogen deposition whereas the sites to the east of the M25 do, is the result of traffic flows on their adjacent slip roads as well as prevailing wind direction. There is a significant reduction in traffic flow on the on-slip to the western side of the M25 junction 29. While there is also a reduction in traffic flow on the off-slip on the eastern side of the M25 junction 29, emissions from on-slip vehicles are higher than the off-slip equivalent due to vehicles accelerating along the on-slip before joining the main carriageway. The reduction in traffic flow therefore has a greater reduction in emissions at the on-slip than at the off-slip. The prevailing winds blow from a westerly direction, meaning the designated sites west of the M25 are upwind of the nitrogen source whereas the designated sites east of the M25 are downwind and therefore experience greater nitrogen deposition loading.
- 3.2.5 The Applicant therefore does not believe that the predicted changes in nitrogen deposition at the Folkes Farm site would be detrimental to the successful establishment and management of ancient woodland compensation planting. In addition, the provision of long-term management proposals for this site are set out in the outline Landscape and Ecology Management Plan [[REP4-140](#)] (Sections 7.11; 8.5; and 8.23), which would support the habitat in reaching its target condition.

## 4 Efficacy of ancient woodland compensation planting

### 4.1 Introduction

- 4.1.1 Glenroy Estates raised concerns over the difficulties associated with the successful translocation of ancient woodland soil and the absence of any survey evidence that it can successfully be achieved on their land. As part of this concern, Glenroy Estates stated that, despite having granted access permission, the Applicant had never surveyed this land and so could not be sure that ancient woodland soil translocation was appropriate at this location. In addition to this, Glenroy Estates also stated that the land had been subject to a number of enforcement notices due to potential contamination issues which could also be detrimental to achieving the Applicant's objective of ancient woodland compensation planting at this location.

### 4.2 Survey access

- 4.2.1 In response to Glenroy Estates' statement that survey access had been granted to the Applicant but never taken up, the Applicant provides details of survey access requests sent to Glenroy Estates below. In summary, Glenroy Estates either did not respond to survey requests, or did not respond in time for surveys to be undertaken and findings assessed within the DCO application Environmental Assessment and therefore all surveys were de-scoped as set out below. The draft DCO includes controls under requirements 3, 5 and 7 to ensure that prior to works commencing surveys are completed and appropriate actions taken to ensure mitigation and compensation measures are appropriate.

#### Ground Investigation Works

06/07/2020 – Email sent for land access request to carry out borehole drilling on site. Landowner needed to follow up with his board.

15/07/2020 – Email sent to follow up email with regards to land access

23/07/2020 – Another follow up email with regards to land access

*Works got descoped due to the completion of the programme of works and a lack of response from landowner.*

#### Archaeological Trial Trenching Works

18/10/2020 – Email sent for land access request to carry out ATT works

08/09/2020 – Email sent to follow up email with regards to land access

19/09/2020 – Mr Grunfeld requested face to face meeting with him and directors of Glenroy Estates

*Due to Covid, a site meeting could not be arranged. Attempts were made to arrange a Teams meeting but due to availabilities this did not happen in the following weeks. Subsequently works were deferred due to the pandemic.*

## Environment Survey Works

18/08/2018 - Request for survey access sent by letter

24/09/2018 - Request for survey access sent by letter

19/10/2018 - Request for survey access sent by letter

14/01/2020 - Request for survey access sent by letter

21/03/2022 - Email sent for land access request to carry out environment survey.

25/04/2022 - Email sent to Richard Greeves for land access request to carry out environment survey.

11/05/2022 - Response from Richard Greeves requesting agreement regarding professional fees.

26/09/2022 - Consent form sent to Richard Greeves outlining proposed survey works.

26/09/2022 - Response from Richard Greeves informing that consent form has been passed onto client.

*No further response, surveys descope.*

## 4.3 Planning enforcement history at Folkes Farm

4.3.1 Following a search of Havering Borough Council's public enforcement register held on the council website, the Applicant has identified a number of Enforcement Notices and Stop Notices relevant to the Glenroy Estates land, several of which apply to land within the Order Limits as set out in Appendix A.

4.3.2 In each case the requirements of the enforcement notice include the restoration of the land impacted.

4.3.3 In each case the Applicant does not accept that the areas subject to enforcement action are so significant either in terms of the scale or potential for contamination as to warrant the exclusion of the identification of the land for ancient woodland compensation as detailed in Work Number E49.

## 4.4 Translocation of ancient woodland soils

4.4.1 The Applicant has committed to salvaging soils and coppice stools from areas of ancient woodland loss and using them to inoculate ancient woodland compensation planting areas where practicable. The suitability of the soil from the donor sites would be determined by a soil scientist prior to commencement of works in those areas, with consideration for existing ground flora composition and diversity and potential contamination. This commitment is secured in the Code of Construction Practice [[REP4-138](#)] under REAC Ref TB028.

4.4.2 It is acknowledged that it is not possible to translocate ancient woodland habitat, although it is recognised that salvage and re-use of soils, stools and dead wood material has value in moving important components of the ancient woodland system such as soil microbes, soil invertebrates and seed material. However, the success of the proposed ancient woodland compensation planting is not predicated on the provision of salvaged soils. Indeed, given the general principle to create a greater extent of habitat than that which is lost, it would not be possible to inoculate all ancient woodland compensation sites with salvaged soils. It is still possible to create high-quality broadleaved woodland habitat on

these sites without that inoculation. The management measures proposed to achieve this are set out in the outline Landscape and Ecology Management Plan [[REP4-140](#)] (Sections 8.5 and 8.23).

- 4.4.3 Aerial imagery of the areas of the site subject to enforcement notices requiring habitat reinstatement show the apparent success of that reinstatement whether through active management or natural regeneration. The possibility of contamination of this site from the Folkes Farm building complex was assessed in Environmental Statement Chapter 10: Geology and Soils [[APP-148](#)] as low in terms of credible sources of contamination (ES Figure 10.5: Refined Conceptual Site Model - Credible Contamination Sources [[APP-303](#)], page 6). The Applicant, therefore, considers that there are no significant constraints to creating high-quality broadleaved woodland habitat on this land.

## 5 Land Acquisition

### 5.1 Land acquisition

- 5.1.1 Permanent Acquisition of Glenroy Estates' land (Plots 45-56, 45-59, 45-61 & 46-27) is required for the following works:
- a. 9K – Earthworks associated with improvements to the existing two-lane link road between M25 junction 29 roundabout and M25 northbound
  - b. 9Y – Construction of a new Public Right of Way over the improved section of the A127 highway, including a new bridge to carry the new Public Right of Way over the A127 highway
  - c. E49 – Implementation of environmental mitigation works to create a site for ancient woodland compensation planting
  - d. MU91 – Utility works, including the installation or diversion of underground utilities within a multi-utility corridor
- 5.1.2 Work No. 9K was omitted in error from plot 46-27 in the Statement of Reasons. An updated Statement of Reasons has been submitted at Deadline 5 to correct this.
- 5.1.3 Permanent Acquisition is required to enable the delivery of the works outlined above. Work No. E49 is required for ancient woodland compensation planting, one of the most important environmental measures. Permanent acquisition of the land is required with the Applicant implementing and maintaining the compensation in perpetuity. The Applicant's position requiring permanent acquisition for such compensation, as opposed to alternatives such as S253 agreement, is set out in the Applicant's Comments on WRs Appendix F – Landowners [[REP2-051](#)].

### 5.2 Lease proposals

- 5.2.1 Glenroy Estates has suggested a lease as an alternative to permanent acquisition. However, permanent compensation for the loss of ancient woodland clearly requires that compensation to be secured in perpetuity. That informs the reason why the land in question is subject to full freehold acquisition powers under the draft DCO [[REP4-094](#)]. This is common DCO practice for the establishment of permanent off-site compensation areas. It is notable, in this context, that a DCO cannot provide for the compulsory acquisition of lease arrangements.
- 5.2.2 While the Project welcomes and encourages the offers of alternatives to compulsory acquisition, in this case the risk and uncertainty attached to the proposed Heads of Terms to lease the land unfortunately make it an unsuitable arrangement for the permanent ancient woodland compensation land required under the DCO.
- 5.2.3 A lease for the fixed term being contemplated, without the protection of the Landlord and Tenant Act 1954, with break clauses, rights of forfeiture and re-

entry etc., would not provide a satisfactory permanent solution. Such an arrangement would not provide the level of control and commitment that the Applicant considers is necessary to assure the Examining Authority that the required ecological compensation would be secured in perpetuity.

- 5.2.4 The Glenroy Estates Ltd proposal also mentions looking for alternative sites in future. These would be outside of the Order Limits in the DCO, and so the Applicant would have no powers to acquire such property in future, even if such land could be found. Moreover, on the basis that the DCO application would be justified and granted taking account of the specific compensation sites committed to in the application, it would not be possible to depart from those commitments, without a future material change application to vary the consented DCO. That is not the basis on which the Applicant is promoting the proposals contained in the DCO application currently before the Planning Inspectorate.
- 5.2.5 On the matter of rent, public bodies fund projects such as Lower Thames Crossing as far as possible through capital means. Long-term rental funding is not favoured by all such bodies, especially when there are alternatives available, such as outright freehold acquisition. As such, the Applicant does not consider that a lease would achieve best value for the public purse, as freehold acquisition is available and the less expensive option in the longer term. The Applicant has to adhere to HM Treasury guidance (HM Treasury, 2023).
- 5.2.6 Notwithstanding the above, the Applicant remains open to discussions on an option-type agreement for the voluntary freehold acquisition of the land. Additionally, the Applicant remains open to consideration of a 999-year lease, free of tenant obligations, to be acquired for an initial capital sum approaching market value and with an annual peppercorn rent thereafter, if demanded. The latter is consistent with leases entered into with the Forestry Commission. The Applicant would still need to consider, in this context, the implications of future (unknown) landlord arrangements, should the land change hands. The Applicant would therefore also wish to discuss the merits, to both parties, of such negotiations where the effect is a very long term lease is substantively the same as outright acquisition.

## 6 Conclusion

- 6.1.1 The Applicant has assessed the suitability of this land within the Order Limits for ancient woodland compensation planting including the planning history of the site and is confident that the land is suitable for ancient woodland compensation planting. The location of the planting will provide connectivity between existing blocks of woodland providing a landscape scale of habitat and biodiversity improvement in the locality.
- 6.1.2 The land will be managed to ensure the ancient woodland compensation planting is successful.
- 6.1.3 The Applicant is confident that the justification for the ancient woodland compensation planting in this specific location satisfies the tests for compulsory acquisition under the terms of Section 122 of the Planning Act 2008.

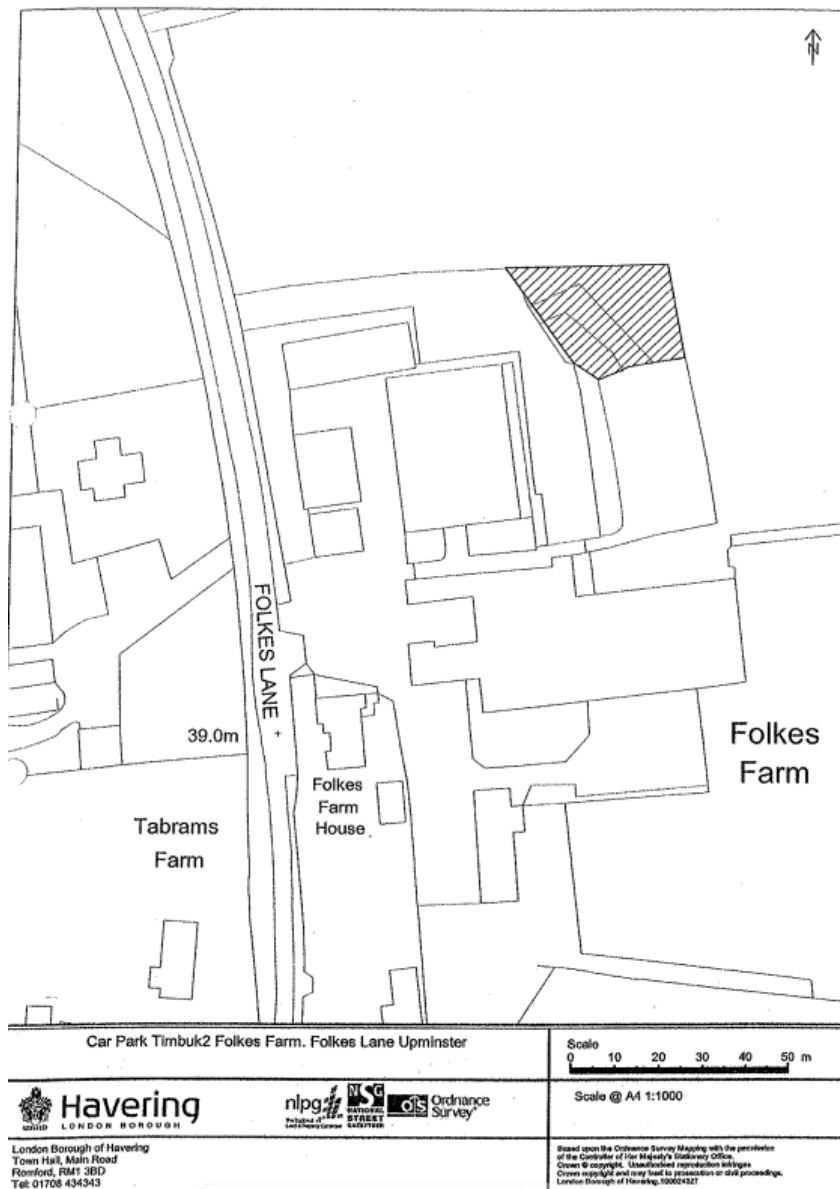


# Appendix A Planning Enforcement History at Folkes Farm

## Enforcement Notice 1

A.1.1 Timbuk2. Folkes Farm, Folkes Lane Enforcement Notice A1 April 2010, states: 'Without planning permission, the formation of an extension to the existing car park by the laying of additional hardstanding'.

A.1.2 The area affected is shown in black hatching on the plan below:



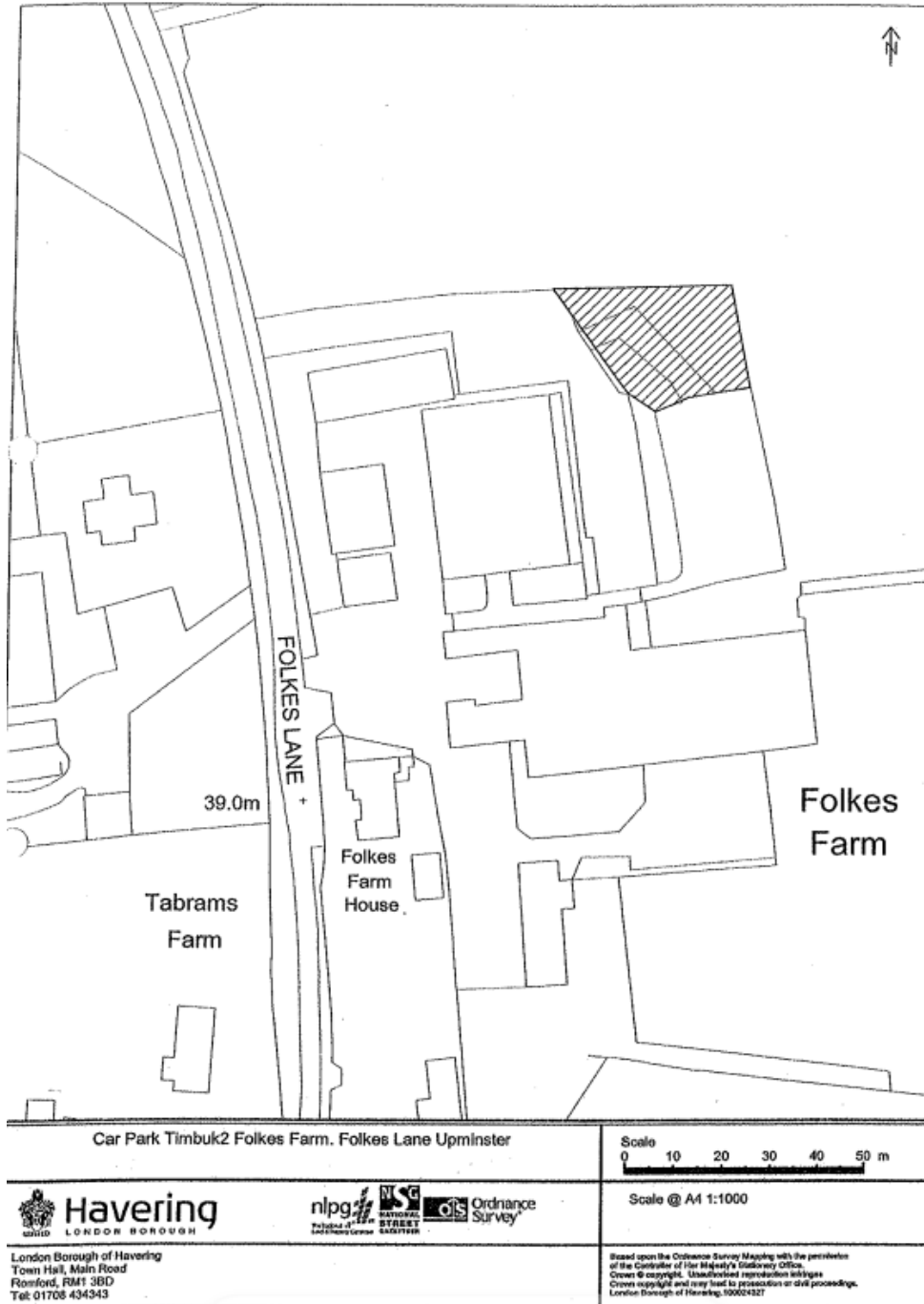
## Applicant's Response

A.1.3 The area shown hatched on the enforcement notice lies outside the Order Limits of the Application and beyond the areas proposed for ancient woodland

compensation planting under Work E49. The requirements of the enforcement notice include the restoration of the land impacted.

### Enforcement Notice 2

- A.1.4 Timbuk2. Folkes Farm, Folkes Lane Enforcement Notice B1 April 2010, states: *‘Without planning permission, the change of use of the land for the purposes as an extension to an existing car park.’*
- A.1.5 The area affected is shown hatched in black on the plan below:



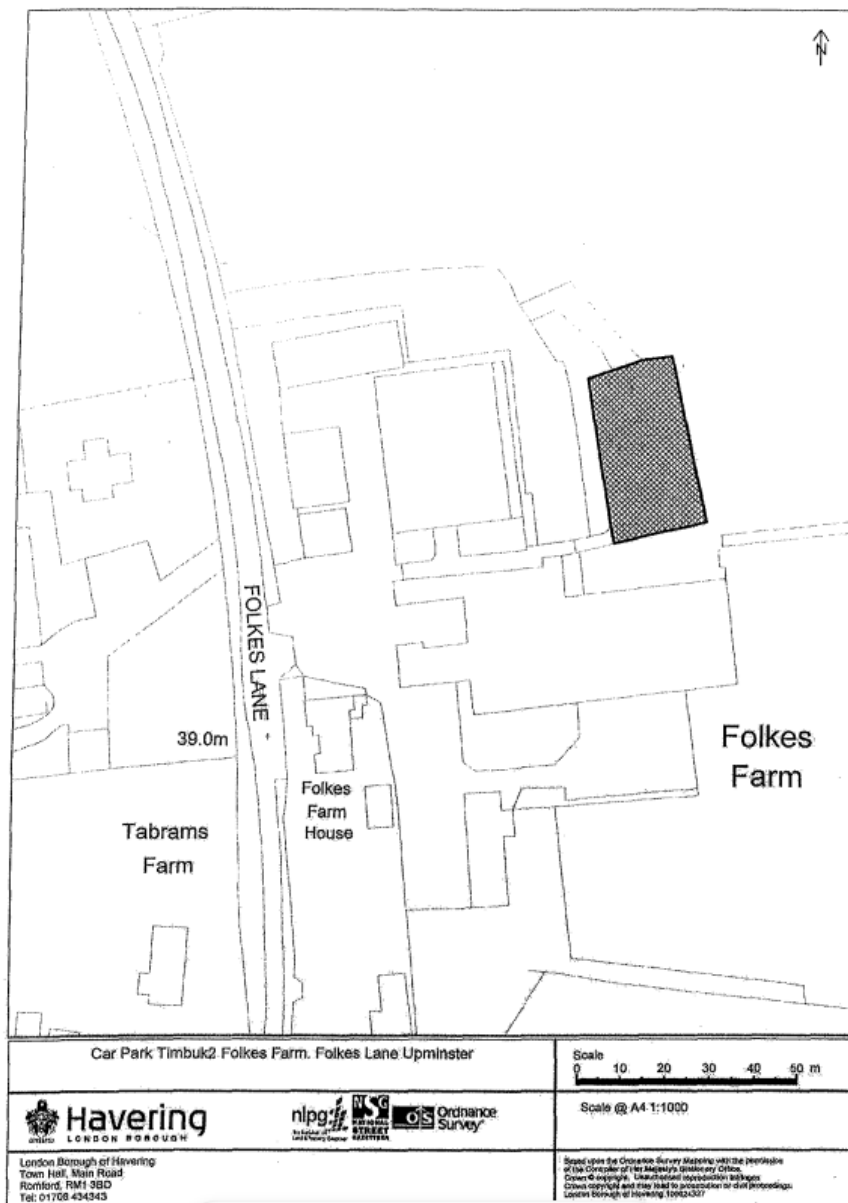
### Applicant’s Response

A.1.6 The area shown hatched on the enforcement notice lies outside the Order Limits of the Application and beyond the areas proposed for ancient woodland compensation planting under Work E49. The requirements of the enforcement notice include the restoration of the land impacted.

### Enforcement Notice 3

A.1.7 Timbuk2. Folkes Farm, Folkes Lane, Enforcement Notice C1 April 2010, states: ‘Without planning permission, the material change of use of the land for car parking’.

A.1.8 The area affected is shown hatched black on the plan below:



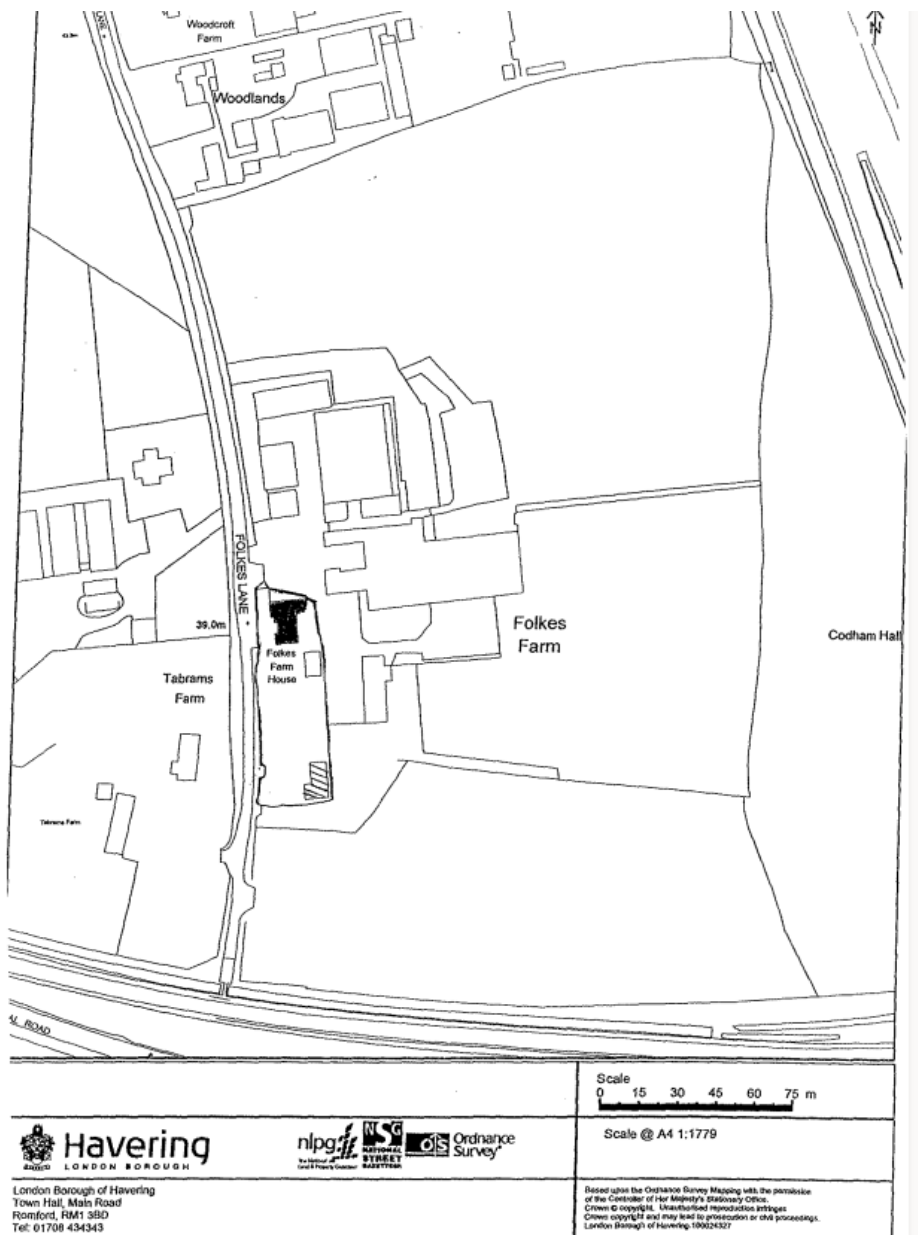
### Applicant's Response

A.1.9 The area shown hatched on the enforcement notice lies outside the Order Limits of the Application and beyond the areas proposed for ancient woodland compensation planting under Work E49.

### Enforcement Notice 4

A.1.10 Land at Folkes Farm, Folkes Lane, enforcement notice A 7 October 2010 states: 'Without planning permission, a material change of use of a redundant outbuilding within the curtilage of a residential dwelling to commercial use for storage and distribution purposes'.

A.1.11 The land affected is shown hatched in black on the plan below:



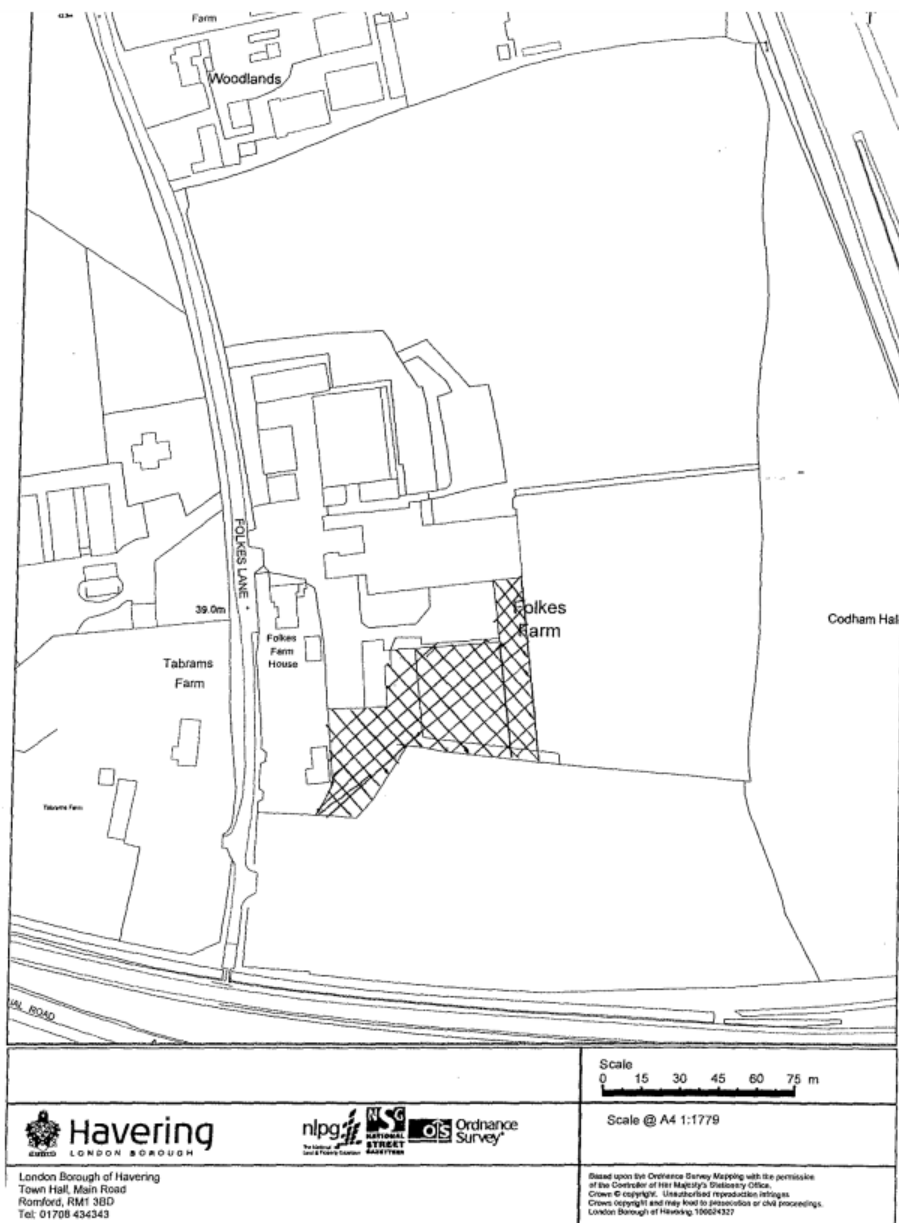
### Applicant's Response

A.1.12 The area shown hatched on the enforcement notice lies outside the Order Limits of the Application and beyond the areas proposed for ancient woodland compensation planting under Work E49. The requirements of the enforcement notice include the restoration of the land impacted.

### Enforcement Notice 5

A.1.13 Land at Folkes Farm, Folkes Lane enforcement notice B 7 October 2010 states: '*Without planning permission, a material change of use of the land for the parking and storage of commercial vehicles*'.

A.1.14 The land affected is shown hatched black on the plan below:





### Applicant's Response

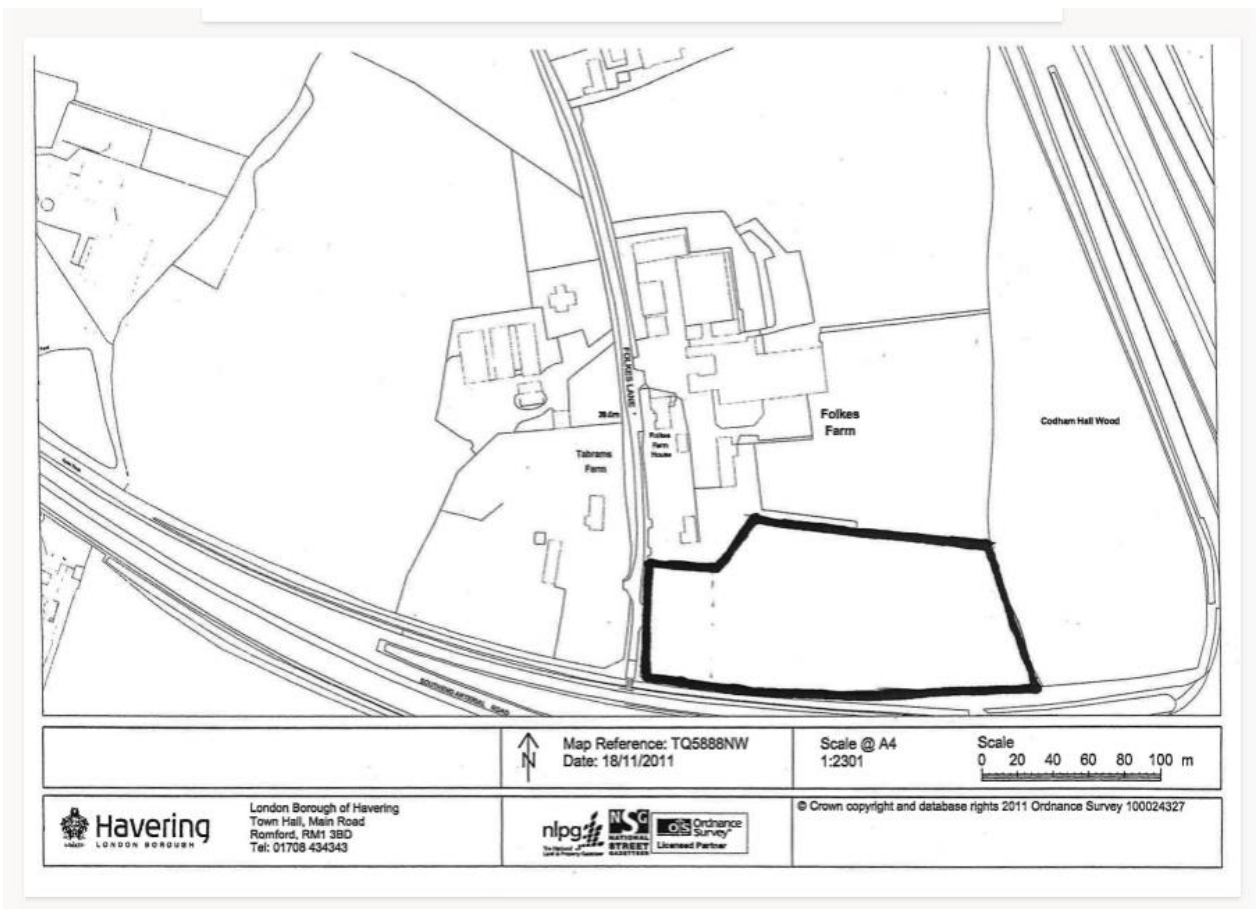
A.1.15 The area outlined in blue is the area of potential overlap between the area identified on the enforcement notice and the Applicant's Order limits, as shown on the plan below:



- A.1.16 The requirements of the enforcement notice include the restoration of the land impacted.
- A.1.17 The Applicant does not accept that this area is significant either in terms of the scale or potential for contamination to warrant the exclusion of the identification of the land for ancient woodland compensation as detailed in Work Number E49. Recent aerial imagery shows this area as being reinstated to semi-improved grassland which aligns with Glenroy Estates' statement in their speaker notes at paragraph 1.5 [REP4-370] that this land was used for agricultural purposes by a tenant farmer until 2019. This use appears to be for grazing pasture rather than arable land and has presumably lain fallow since 2019.

### Stop Notice 1

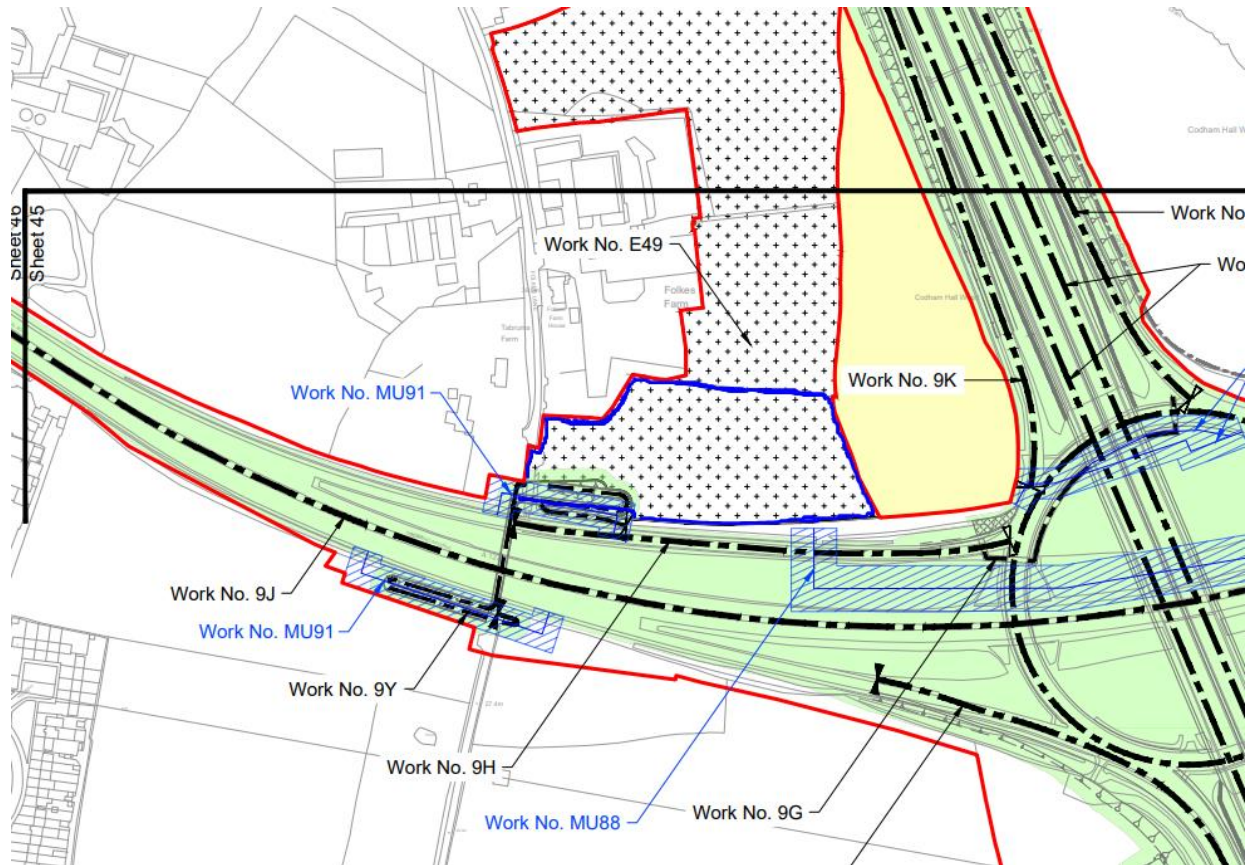
- A.1.18 Stop notice for land to the south and west of Folkes Farm, Folkes Lane Stop Notice 23 December 2011 states: *'Without planning permission, the importation of materials on to land including hardcore and soils'*, requiring: *"Cease the importation of all materials onto the Land, including hardcore and soils, and Cease all engineering operations on the land including the raising of levels on the land.'*
- A.1.19 The land affected is shown outlined in black on the plan below:





## Applicant's Response

- A.1.20 The area outlined in the Stop Notice is within the Order Limits and area identified for ancient woodland compensation planting Work Number E49, as shown outlined in blue on the plan below:



- A.1.21 Recent aerial imagery shows this area as being reinstated to semi-improved grassland which aligns with Glenroy Estates' statement in their speaker notes at paragraph 1.5 [\[REP4-370\]](#) that this land was used for agricultural purposes by a tenant farmer until 2019. This use appears to be for grazing pasture rather than arable land and has presumably lain fallow since 2019.

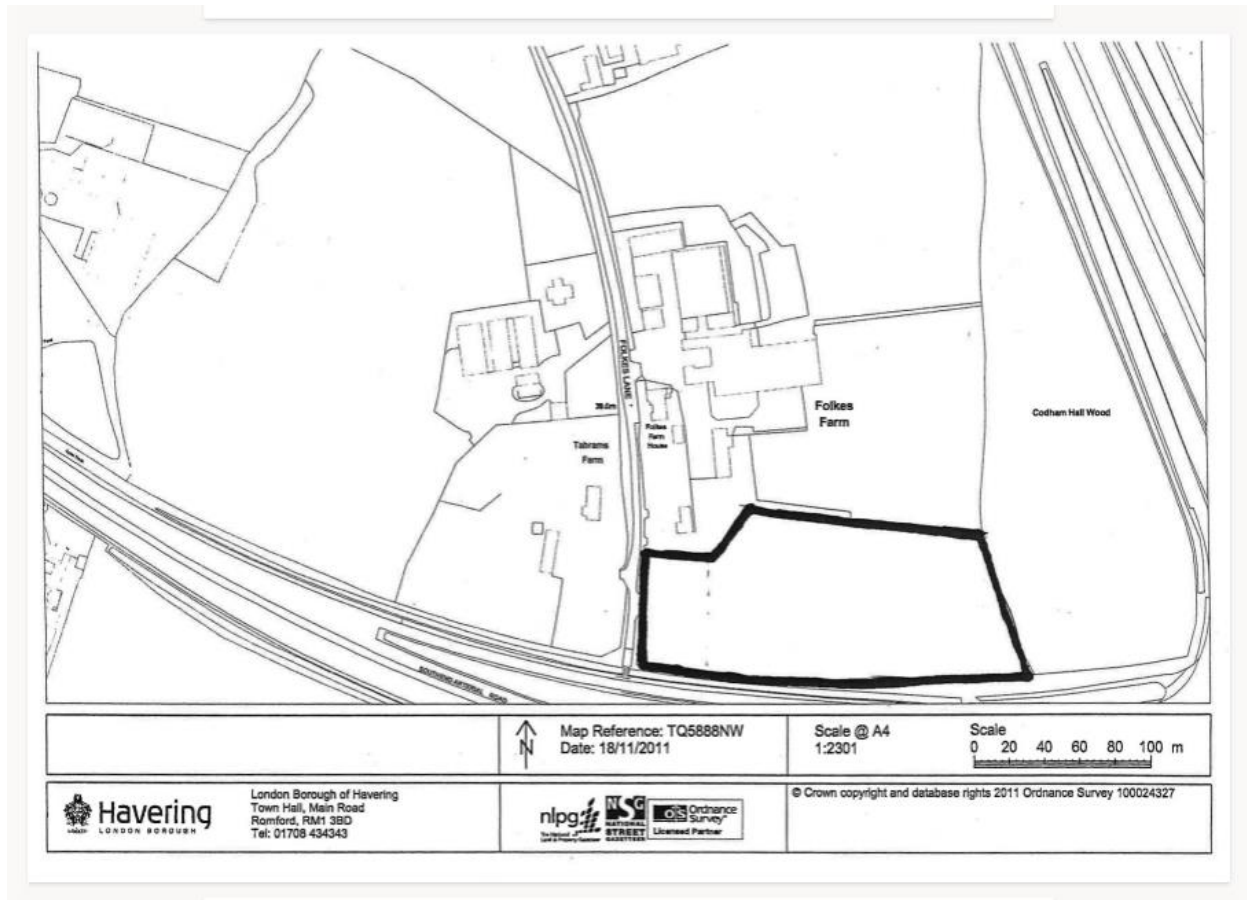
## Enforcement Notice 6

- A.1.22 Enforcement notice for land to the south and west of Folkes Farm, Folkes Lane, 22 December 2011 states:

*'Without planning permission, the unauthorised operation development of greenbelt agricultural land including but not limited to:*

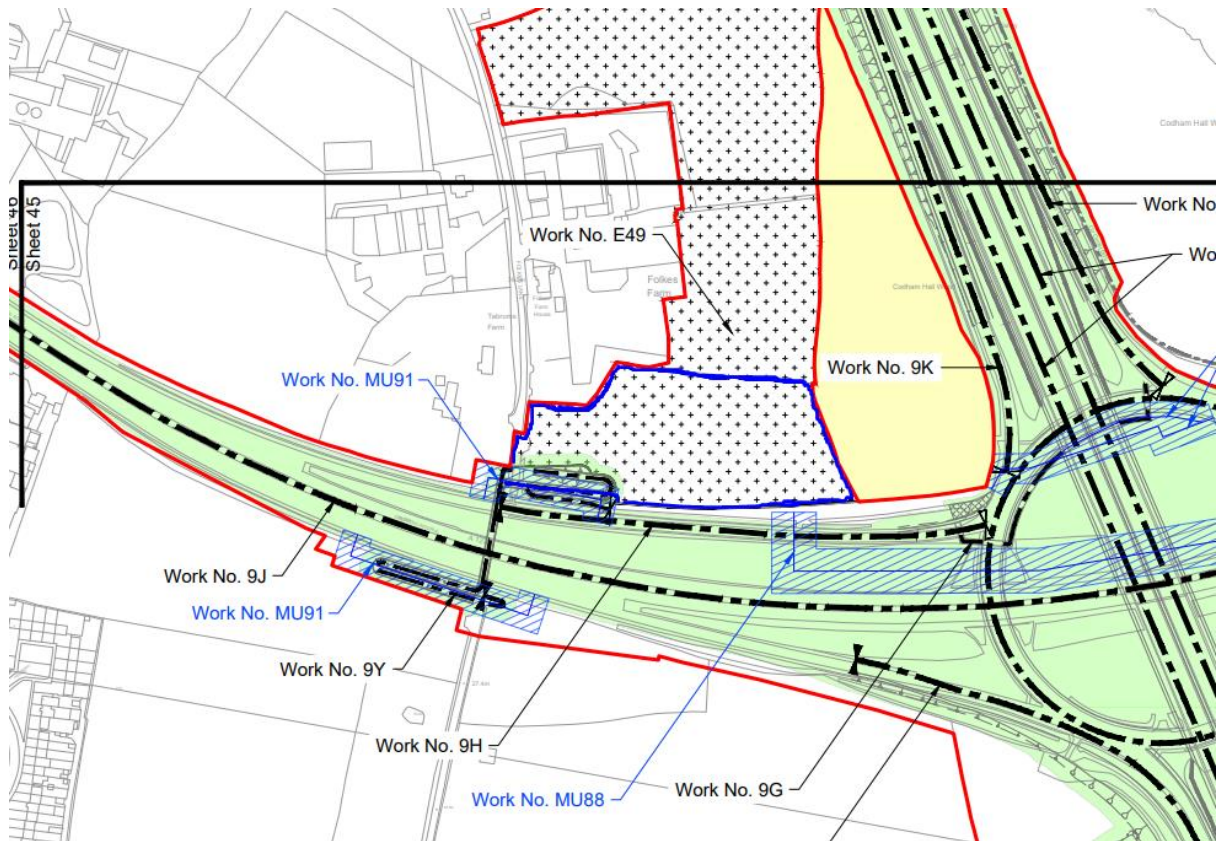
- a. The importation of hardcore, soils and other waste material onto the land;*
- b. The formation of additional surfacing on the land;*
- c. The siting of two steel containers and plant on the land.'*

A.1.23 The land affected is shown outlined in black on the plan below:



### Applicant's Response

A.1.24 The land affected falls within the Applicant's Order Limits identified under Work Number E49 as ancient woodland compensation planting, as shown on the plan below:

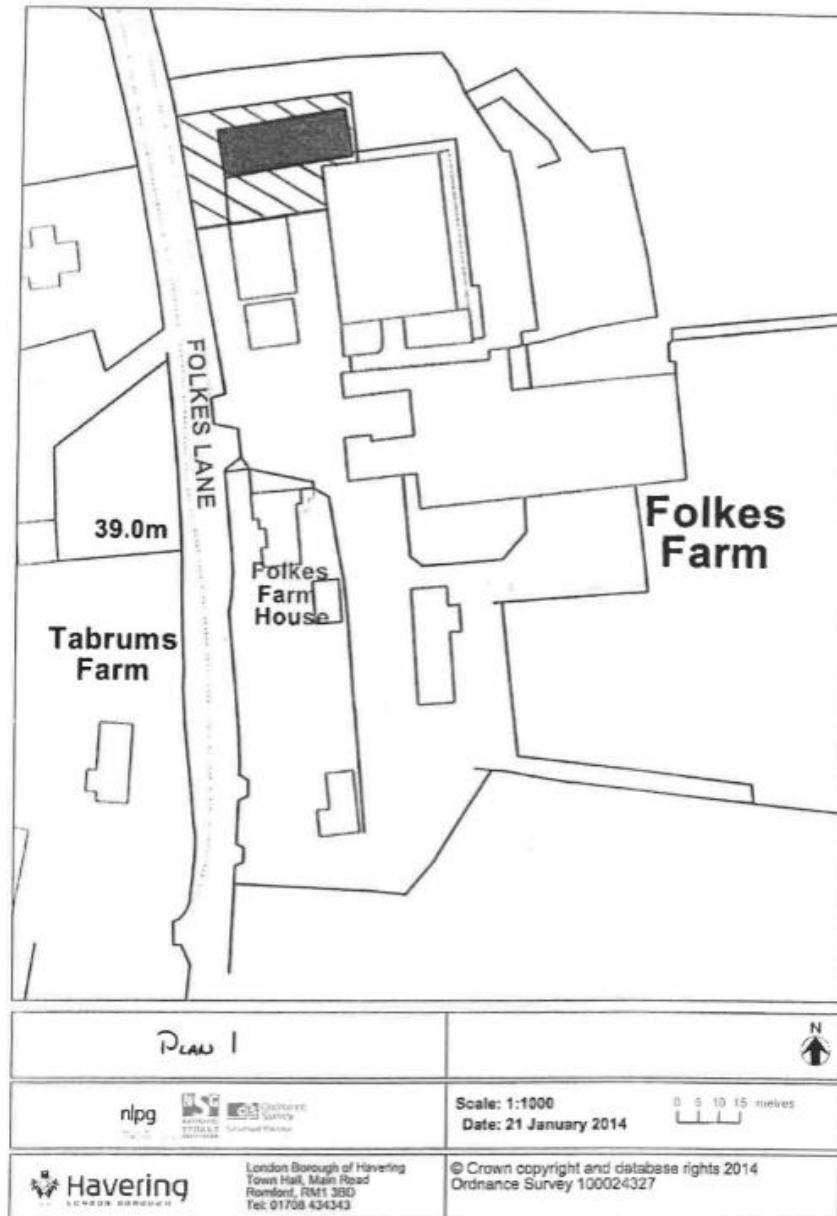


- A.1.25 The requirements of the enforcement notice include the restoration of the land impacted.
- A.1.26 Recent aerial imagery shows this area as being reinstated to semi-improved grassland which aligns with Glenroy Estates’ statement in their speaker notes at paragraph 1.5 [REP4-370] that this land was used for agricultural purposes by a tenant farmer until 2019. This use appears to be for grazing pasture rather than arable land and has presumably lain fallow since 2019.

**Stop Notice 2**

- A.1.27 Folkes Farm, Folkes Lane Stop Notice A 24 April 2014 states: *‘Without planning permission the material change of use of: (a) the Land for the unauthorised purpose of vehicle related activities including dismantling of vehicles, open storage and/or sale of vehicles, open storage and/or sale of car parts, vehicle accessories and scrap metal; (b) the building shown shaded bold black on the Land ("the Building") for the unauthorised purpose of vehicle related activities including dismantling of vehicles, storage and/or sale of vehicles, storage and/or sale of car parts, vehicle accessories and scrap metal.’*
- A.1.28 The land affected by this stop notice is shown in black and black hatching on the plan below:





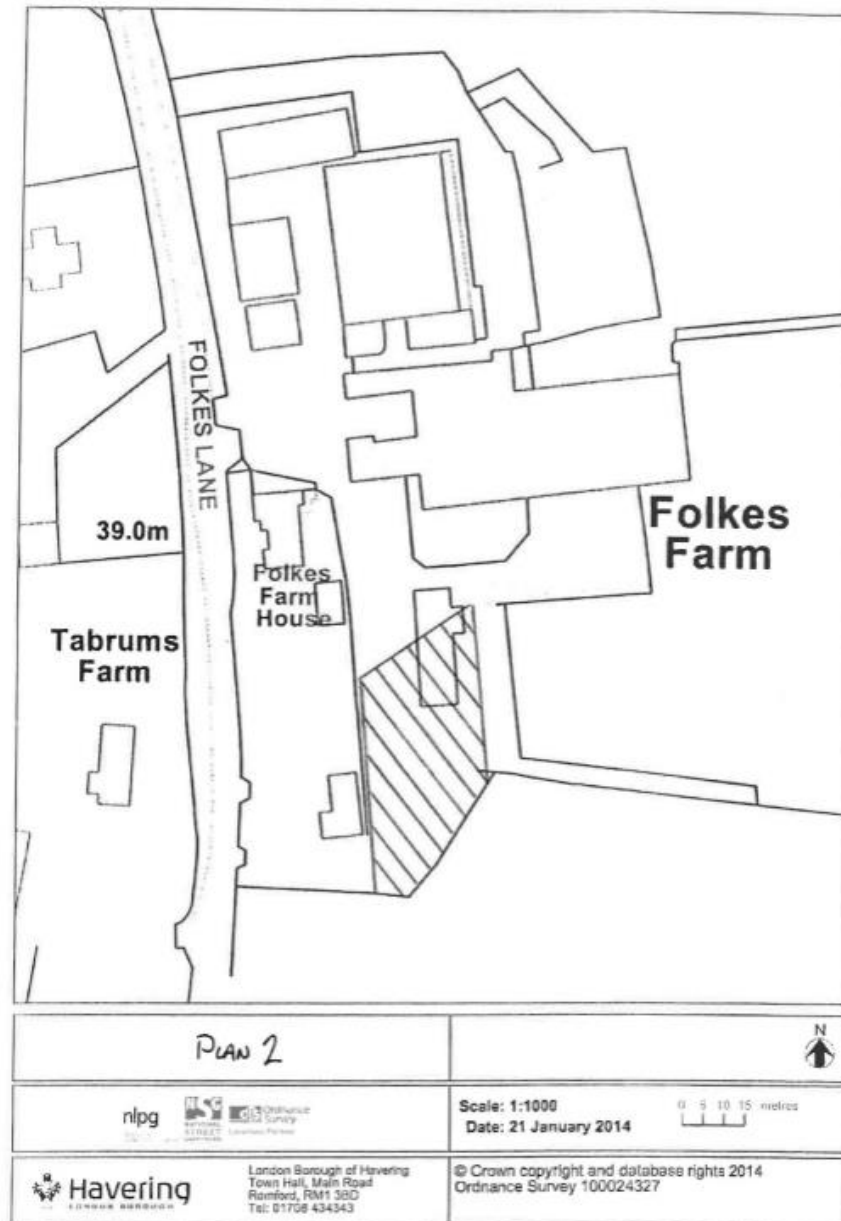
### Applicant's Response

- A.1.29 This land is not within the Applicant's Order Limits and does not impact of the proposed area for ancient woodland compensation planting.

### Stop Notice 3

- A.1.30 Folkes Farm, Folkes Lane Stop Notice B 24 April 2014 states: '*Without planning permission, the importation of vehicles onto the land for the purposes of dismantling and/or storage. Without planning permission, the importation of car parts, vehicle accessories and scrap metal onto the land for the purposes or resale and/or storage. Without planning permission, the importation of skips and container onto the land*'.

A.1.31 The area affected by this Stop Notice is shown hatched in black on the plan below:



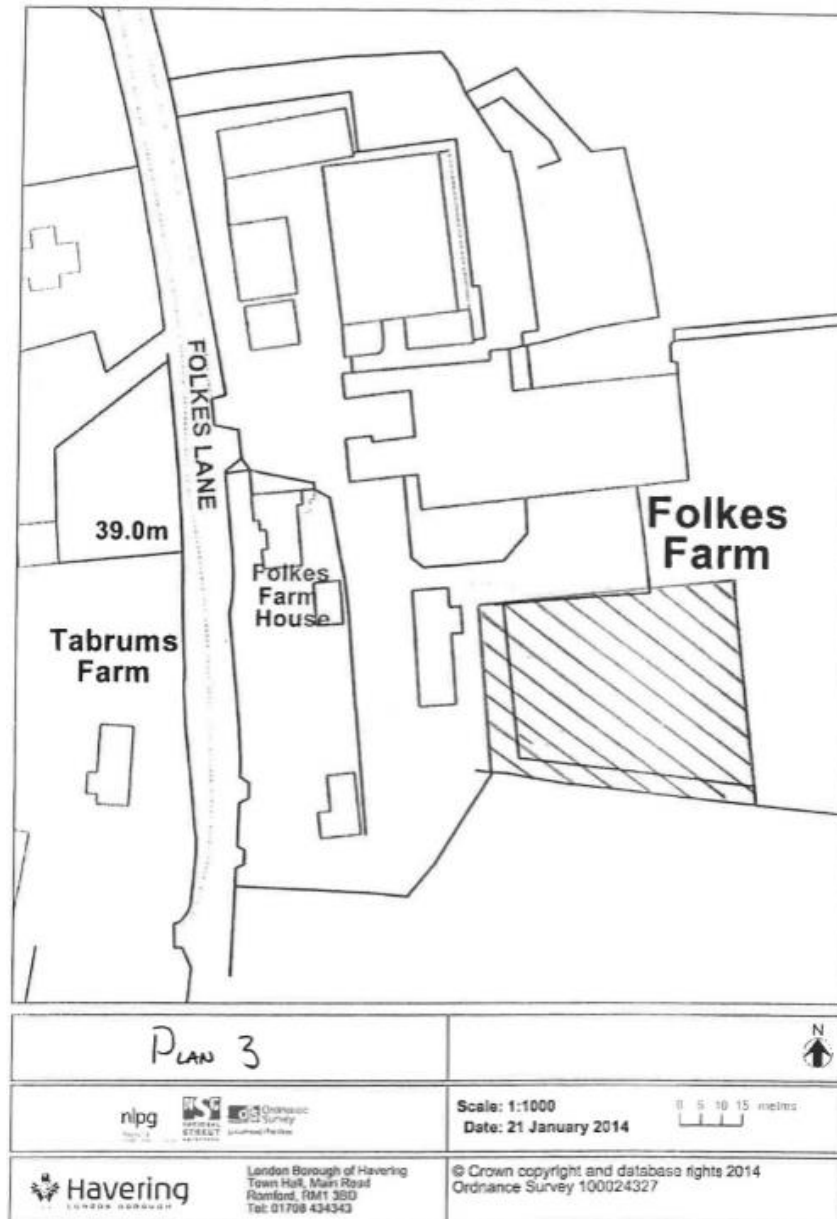
### Applicant's Response

A.1.32 The area of land affected by this stop notice is not within the Applicant's Order Limits and does not impact on the proposed area for ancient woodland compensation planting.

### Stop Notice 4

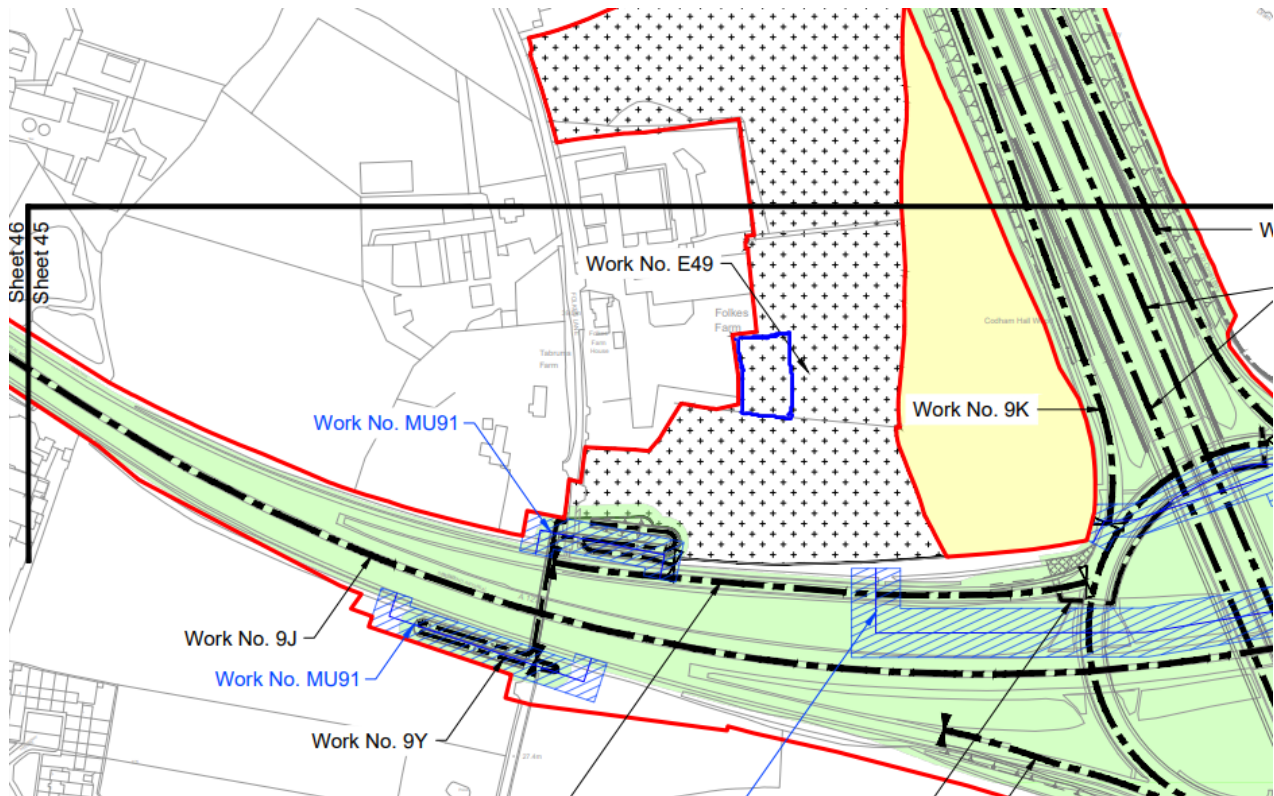
A.1.33 Folkes Farm, Folkes Lane Stop Notice C 24 April 2014 states: '*Without planning permission, the importation of window frames, products related to the fitting and maintenance of windows, scrap metal, skips and container onto the land.*'

A.1.34 The area affected by this Stop Notice is shown hatched in black on the plan below:



### Applicant's Response

A.1.35 The land affected by this Stop Notice overlaps with a small area of land within the Applicant's Order Limits proposed for ancient woodland compensation planting as shown outlined in blue on the works plan below:



A.1.36 The Applicant does not accept that this area is significant either in terms of the scale or potential for contamination to warrant the exclusion of the identification of the land for ancient woodland compensation as detailed in Work Number E49. Recent aerial imagery shows this area as being reinstated to semi-improved grassland which aligns with Glenroy Estates' statement in their speaker notes at paragraph 1.5 [REP4-370] that this land was used for agricultural purposes by a tenant farmer until 2019. This use appears to be for grazing pasture rather than arable land and has presumably lain fallow since 2019.

### Enforcement Notice 7

A.1.37 Folkes Farm, Folkes Lane Enforcement Notice A 24 April 2014 states:

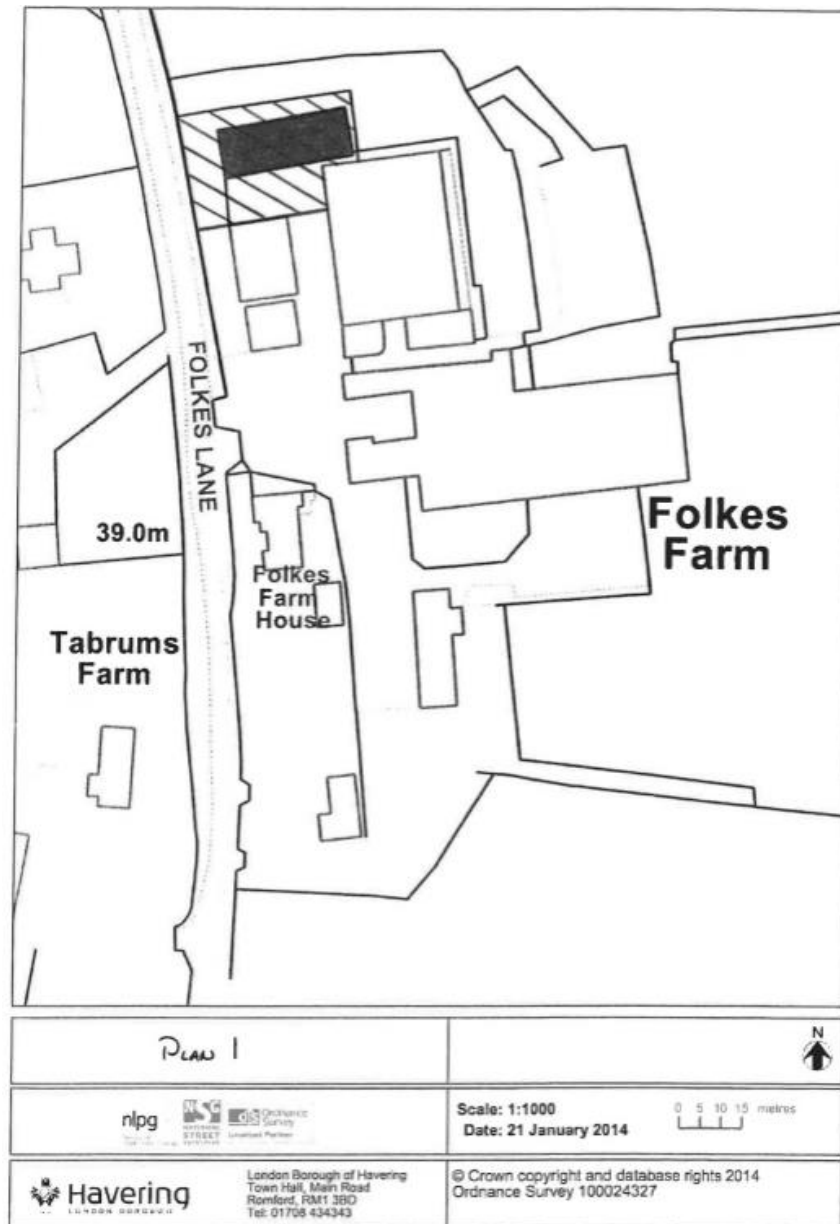
*'Without planning permission, the material change of use of:*

*A. the land for the unauthorised purpose of vehicle related activities including dismantling of vehicles, open storage and/or sale of car parts, storage and/or sale of car parts, vehicle accessories and scrap metal.*

*B. the building shown shaded in bold black on the land (the building) for the unauthorised purpose of vehicle related activities including dismantling of vehicles, storage and/or sale of vehicles, storage and/or sale of car parts, vehicle accessories and scrap metal.'*



A.1.38 The area affected by this enforcement notice is shown in black shading and black hatched line on the plan below:



### Applicant's Response

A.1.39 The area affected by this enforcement notice does not impact the Applicant's Order Limits nor does it affect the proposed land for ancient woodland compensation planting. The requirements of the enforcement notice include the restoration of the land impacted.

### Enforcement Notice 8

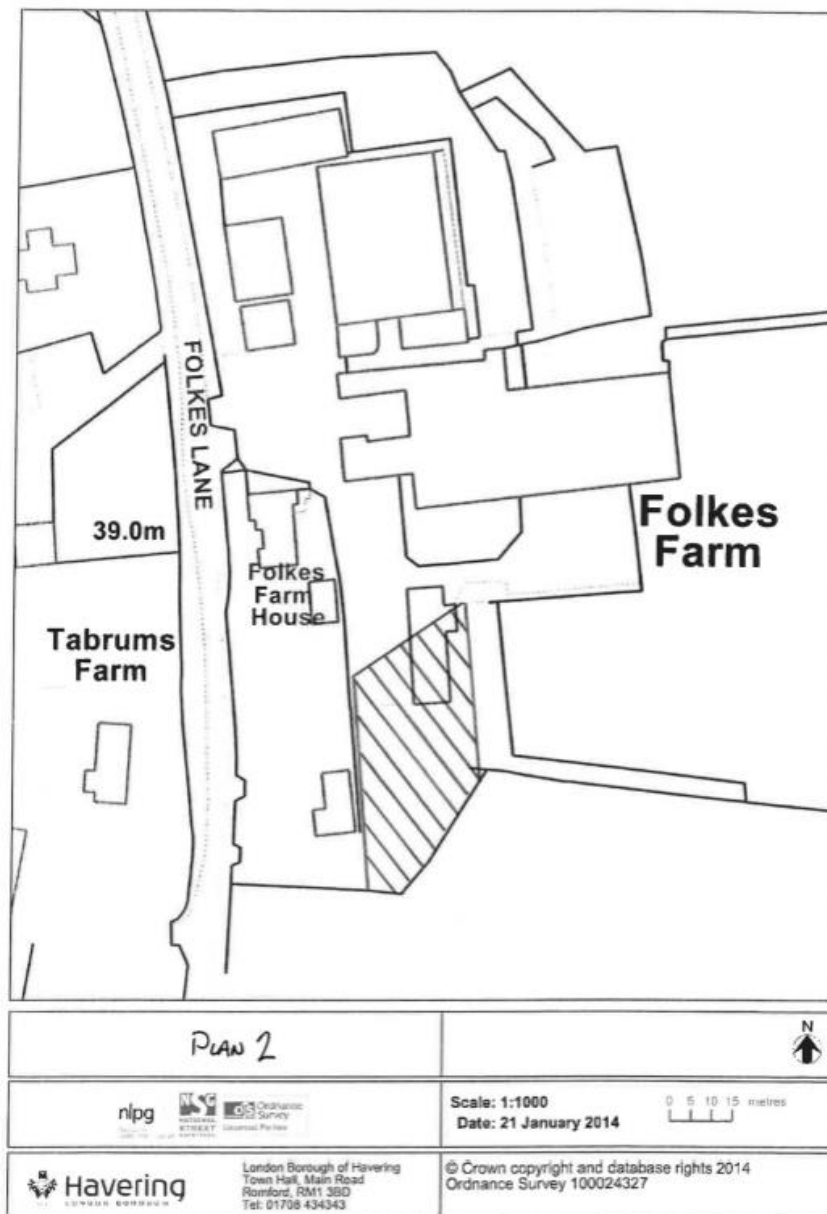
A.1.40 Folkes Farm, Folkes Lane Enforcement Notice B 24 April 2014 states:

*'Without planning permission, the material change of use of:*

A. the land for the unauthorised purpose of vehicle related activities including dismantling and/or sale of vehicles, open storage and/or sale of vehicles, car parts, vehicle accessories, scrap metal, caravans, skips and containers;

B. outbuildings on the land for office and storage use.'

A.1.41 The area affected by this enforcement notice is shown hatched on the plan below:

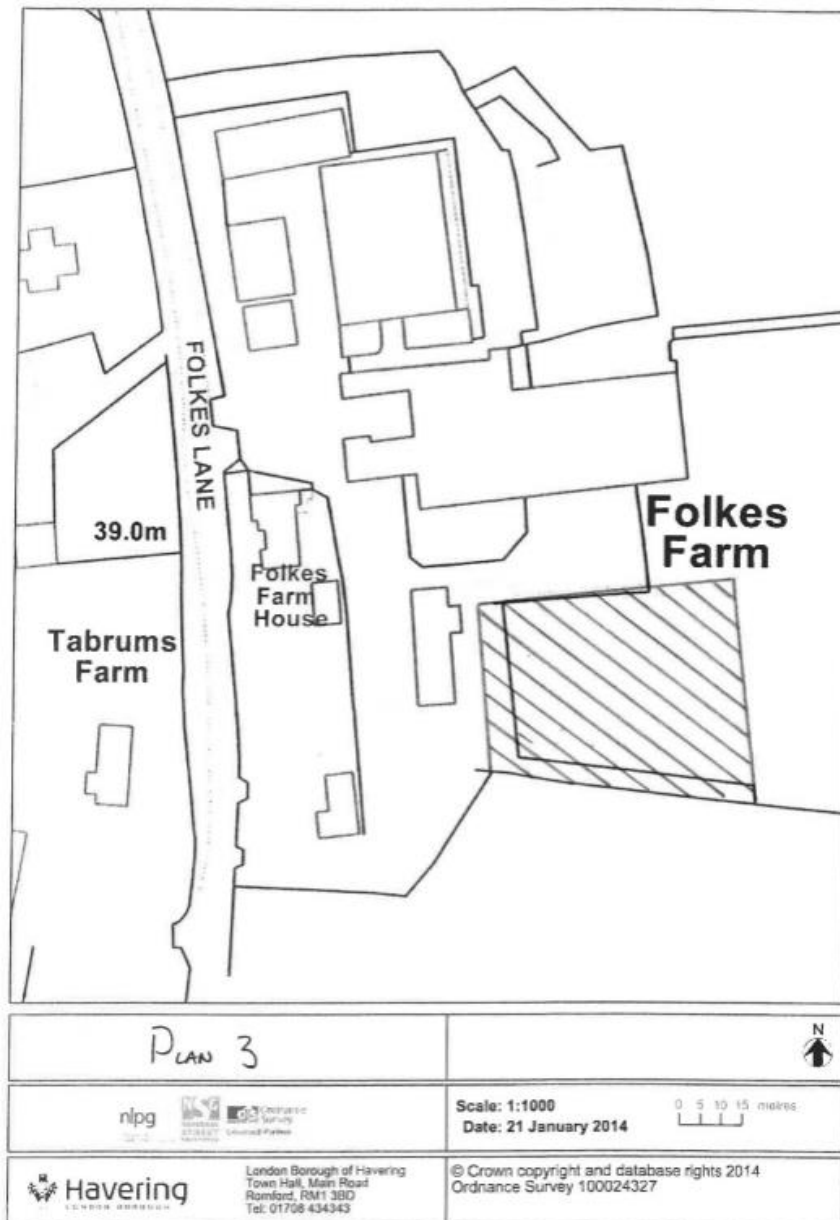


### Applicant's Response

A.1.42 The land affected by this enforcement notice lies outside the Applicant's Order Limits and does not impact on the proposed ancient woodland compensation planting under Work Number E49. The requirements of the enforcement notice include the restoration of the land impacted.

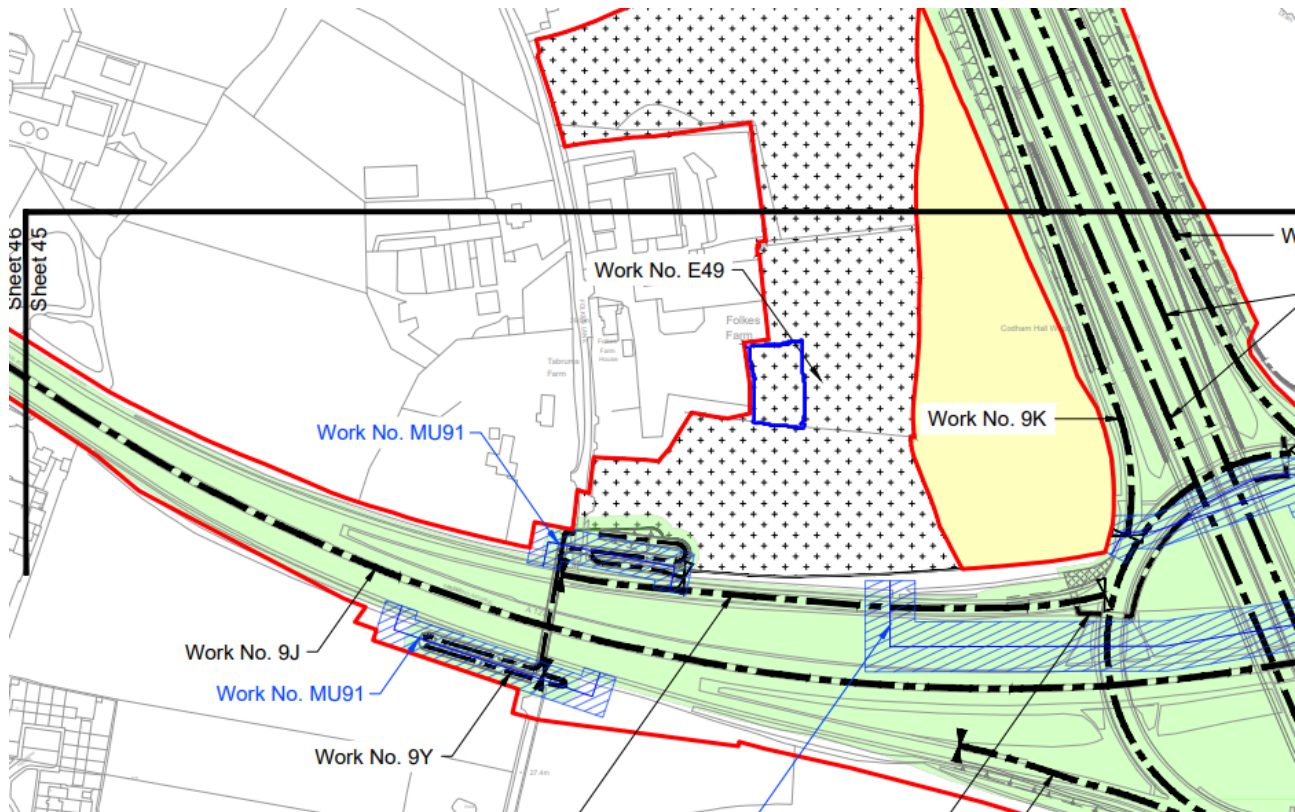
## Enforcement Notice 9

- A.1.43 Folkes Farm, Folkes Lane Enforcement Notice C 24 April 2014 states: ‘*Without planning permission, the material change of use of the land for the unauthorised purpose of open storage of window frames, products related to the fitting and maintenance of windows, scrap metal, storage containers and for the parking of vehicles.*’
- A.1.44 The land affected by this enforcement notice is shown hatched in black on the plan below:



## Applicant's Response

- A.1.45 The land affected by this Stop Notice overlaps with a small area of land within the Applicant's Order Limits proposed for ancient woodland compensation planting as shown outlined in blue on the works plan below:

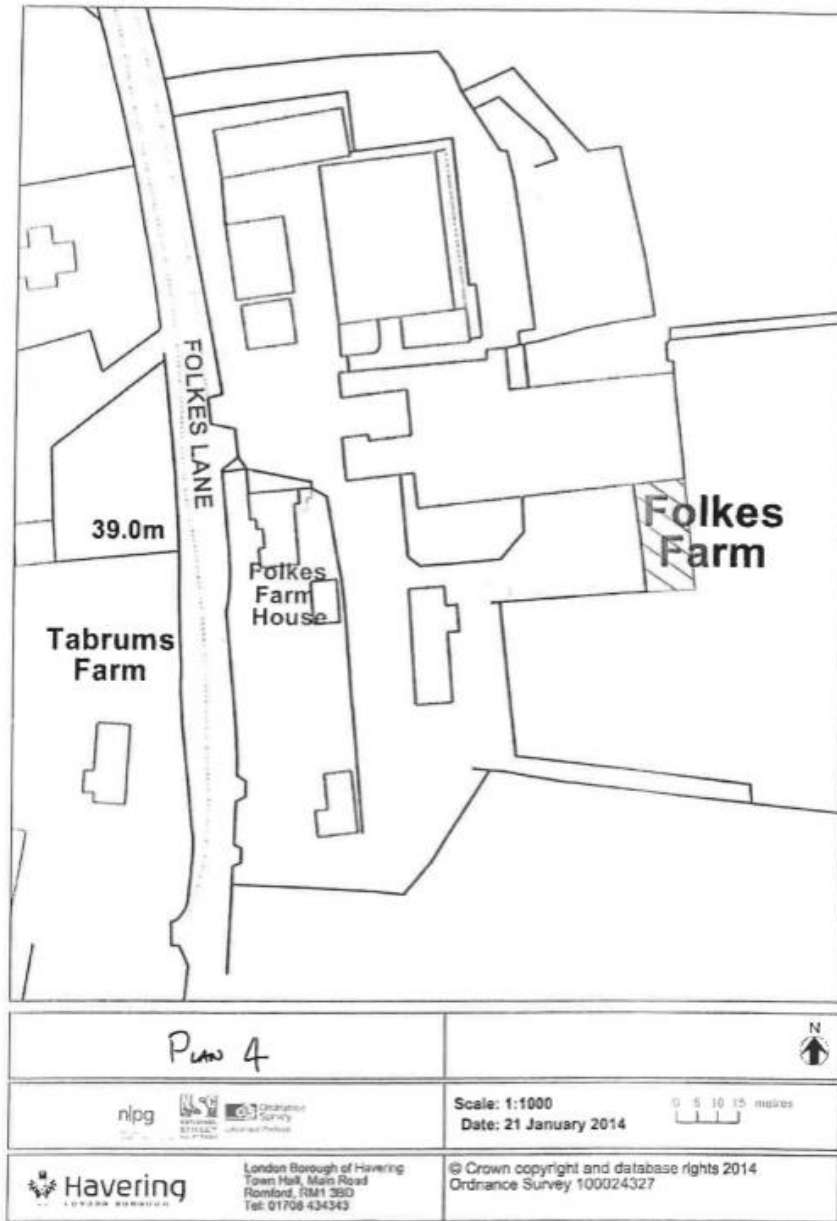


A.1.46 The requirements of the enforcement notice include the restoration of the land impacted. The Applicant does not accept that this area is significant either in terms of the scale or potential for contamination to warrant the exclusion of the identification of the land for ancient woodland compensation as detailed in Work Number E49. Recent aerial imagery shows this area as being reinstated to semi-improved grassland which aligns with Glenroy Estates’ statement in their speaker notes at paragraph 1.5 [REP4-370] that this land was used for agricultural purposes by a tenant farmer until 2019. This use appears to be for grazing pasture rather than arable land and has presumably lain fallow since 2019.

### Enforcement Notice 10

A.1.47 Folkes Farm, Folkes Lane Enforcement Notice D 24 April 2014 states: ‘*Without planning permission, the material change of use of the land to residential use through; the stationing of touring caravans on the land for residential purposes; the laying of ancillary paving and decking on the land and open storage on the land.*’

A.1.48 The land affected by this enforcement notice is shown hatched in black on the plan below:



### Applicant’s Response

The land affected by this enforcement notice is outside the Applicant’s Order Limits and does not impact on the proposed ancient woodland compensation planting as detailed in Work Number E49. The requirements of the enforcement notice include the restoration of the land impacted.



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Author (Date). Title. Accessed Month YYYY. URL.

e.g., British Geological Survey (2018). Geology of Britain viewer. Accessed May 2018. [www.bgs.ac.uk/data/mapViewers/home.html](http://www.bgs.ac.uk/data/mapViewers/home.html).

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HM Treasury (2023). Managing public money. <https://www.gov.uk/government/publications/managing-public-money>

## Glossary

Term	Abbreviation	Explanation
<b>A122</b>		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)
<b>A122 Lower Thames Crossing</b>	<b>Project</b>	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.
<b>A122 Lower Thames Crossing/M25 junction</b>		New junction with north-facing slip roads on the M25 between M25 junctions 29 and 30, near North Ockendon.
<b>A13/A1089/A122 Lower Thames Crossing junction</b>		Alteration of the existing junction between the A13 and the A1089, and construction of a new junction between the A122 Lower Thames Crossing and the A13 and A1089, comprising the following link roads: <ul style="list-style-type: none"> <li>• Improved A13 westbound to A122 Lower Thames Crossing southbound</li> <li>• Improved A13 westbound to A122 Lower Thames Crossing northbound</li> <li>• Improved A13 westbound to A1089 southbound</li> <li>• A122 Lower Thames Crossing southbound to improved A13 eastbound and Orsett Cock roundabout</li> <li>• A122 Lower Thames Crossing northbound to improved A13 eastbound and Orsett Cock roundabout</li> <li>• Orsett Cock roundabout to the improved A13 westbound</li> <li>• Improved A13 eastbound to Orsett Cock roundabout</li> <li>• Improved A1089 northbound to A122 Lower Thames Crossing northbound</li> <li>• Improved A1089 northbound to A122 Lower Thames Crossing southbound</li> </ul>
<b>A2</b>		A major road in south-east England, connecting London with the English Channel port of Dover in Kent.
<b>Application Document</b>		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
<b>Construction</b>		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.
<b>Design Manual for Roads and Bridges</b>	<b>DMRB</b>	A comprehensive manual containing requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is highway authority. For the A122 Lower Thames Crossing the Overseeing Organisation is National Highways.
<b>Development Consent Order</b>	<b>DCO</b>	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.



Term	Abbreviation	Explanation
<b>Development Consent Order application</b>	<b>DCO application</b>	The Project Application Documents, collectively known as the 'DCO application'.
<b>Environmental Statement</b>	<b>ES</b>	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.
<b>Highways England</b>		Former name of National Highways.
<b>M2 junction 1</b>		The M2 will be widened from three lanes to four in both directions through M2 junction 1.
<b>M2/A2/Lower Thames Crossing junction</b>		New junction proposed as part of the Project to the east of Gravesend between the A2 and the new A122 Lower Thames Crossing with connections to the M2.
<b>M25 junction 29</b>		Improvement works to M25 junction 29 and to the M25 north of junction 29. The M25 through junction 29 will be widened from three lanes to four in both directions with hard shoulders.
<b>National Highways</b>		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
<b>National Planning Policy Framework</b>	<b>NPPF</b>	A framework published in March 2012 by the UK's Department of Communities and Local Government, consolidating previously issued documents called Planning Policy Statements (PPS) and Planning Practice Guidance Notes (PPG) for use in England. The NPPF was updated in February 2019 and again in July 2021 by the Ministry of Housing, Communities and Local Government.
<b>National Policy Statement</b>	<b>NPS</b>	Set out UK government policy on different types of national infrastructure development, including energy, transport, water and waste. There are 12 NPS, providing the framework within which Examining Authorities make their recommendations to the Secretary of State.
<b>National Policy Statement for National Networks</b>	<b>NPSNN</b>	Sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
<b>Nationally Significant Infrastructure Project</b>	<b>NSIP</b>	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.
<b>North Portal</b>		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
<b>Operation</b>		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.

Term	Abbreviation	Explanation
<b>Order Limits</b>		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.
<b>Planning Act 2008</b>		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.
<b>Project road</b>		The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1).
<b>Project route</b>		The horizontal and vertical alignment taken by the Project road.
<b>South Portal</b>		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
<b>The tunnel</b>		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

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