

# Lower Thames Crossing

## 5.4.1.4 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Kent Downs AONB Unit (Clean version)

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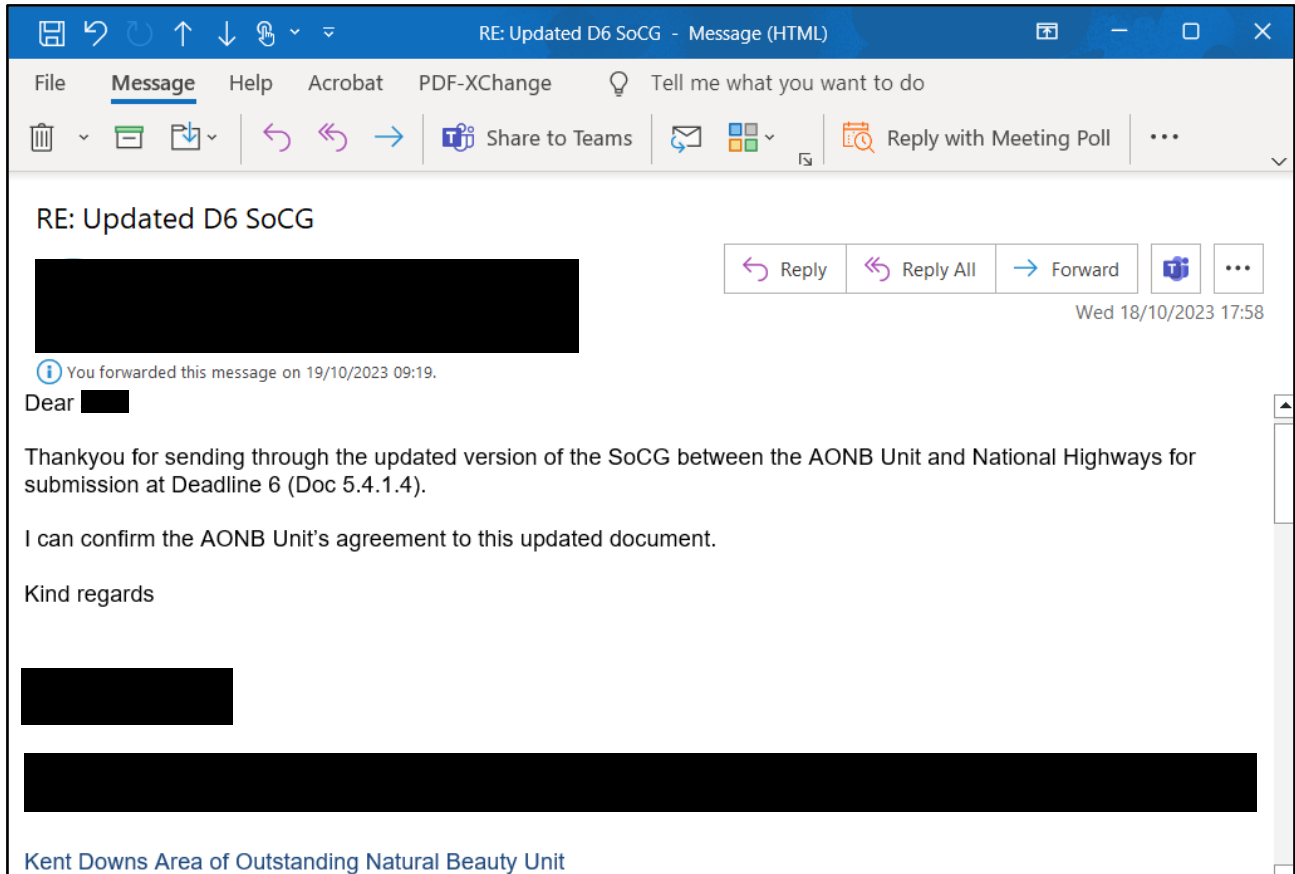
## Revision history

Version	Date	Submitted at
1.0	31 October 2022	DCO Application
2.0	18 July 2023	Deadline 1
3.0	31 October 2023	Deadline 6

## Status of the Statement of Common Ground

This is an Agreed Draft Statement of Common Ground with matters outstanding.

National Highways and Kent Downs AONB Unit agree that this draft Statement of Common Ground (SoCG) is an accurate description of the matters raised and the current status of each matter.



A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.

## Lower Thames Crossing

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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 Kent Downs AONB Unit, 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 6.

## 1.2 Principal Areas of Disagreement

- 1.2.1 On the 19 December 2022 the Examining Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.
- 1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.
- 1.2.4 The Kent Downs AONB Unit elected not to produce a PADS Tracker at pre-examination stage, indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

## 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 significant engagement, and “Matter under discussion” where these points will be the subject of ongoing 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 Movement of outstanding matters

- 2.1.1 Following submission of the previous version of this Draft SoCG between the Applicant and the Kent Downs AONB Unit, further discussions on the outstanding matters have taken place. These discussions are summarised in Table A.1 in Appendix A and the outcome of these discussions is summarised below.
- 2.1.2 In the column 'Item No' in Table 2.1, 'Rule 6' indicates a matter entered in the SoCG as a result of a request in the Rule 6 letter, 'RRN' indicates a matter entered into the SoCG as a result of content in the Relevant Representation, 'RRE' indicates an existing SoCG matter that was also raised in the Relevant Representation, 'WR' indicates a matter entered into the SoCG as a result of content in the 'Written Representation' and 'DLX' indicates a new matter added during examination at/around that deadline.
- 2.1.3 The following matters have moved from 'matter under discussion' to 'matter agreed':
- a. Item 2.1.28 'Terrestrial biodiversity, impacts'
- 2.1.4 Further to the matters raised in the Deadline 1 SoCG, the Kent Downs AONB Unit submitted further comments on the DCO application which has led to new matters being included in Table 2.1. The new matters are:
- a. Item 2.1.41 'Route selection, model alternatives and assessment of reasonable alternatives, Utilities Diversions'
  - b. Item 2.1.42 'Landscape and visual, Baseline'
- 1.1.2 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Kent Downs AONB Unit.
- 1.1.3 In Table 2.1, relevant issues relating to the dDCO articles and Requirements in Schedule 2 to the dDCO have been identified under the heading 'DCO and Consents'.
- 1.1.4 At Examination Deadline 6 there are 42 matters in total, of which 22 are agreed, 13 are not agreed and 7 that remain under discussion.

**Table 2.1 Matters**

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
<b>DCO and consents</b>					
Securing mechanisms	2.1.38 (ED1) <b>RRN</b>	The Design Principles document (Application Document 7.5) contains many measures that are supported, as they incorporate requirements that are appropriate to the site's location within or affecting the Kent Downs AONB. However, the AONB Unit is concerned that many of the requirements are worded in such a way that they may not be complied with in reality. This includes many references to 'where practical', 'where reasonably practical' and 'unless otherwise agreed'.	The draft DCO states that the authorised development must be designed in detail and carried out in accordance with the Design Principles and the preliminary scheme design, unless otherwise agreed in writing. The wording maintains a degree of flexibility for the detailed design to respond to practical design considerations. However, the requirement for the design to be in accordance with the Design Principles would ensure that the underlying requirements of each principle are met, subject to any practical limitations that could not be reasonably overcome.	Draft Development Consent Order <a href="#">[REP5-024]</a> Design Principles <a href="#">[REP4-146]</a>	Matter Not Agreed
<b>Planning Statement/policy</b>					
Management Plan	2.1.1	The Project should fully consider the principles, aims and objectives of the Kent Downs AONB Unit Management Plan 2021-2026.	The principles, aims and objectives of the Kent Downs AONB Unit, including their management plan for 2021-2026, have been reviewed as part of Environmental Statement (ES) Chapter 7: Landscape and Visual and are detailed in ES Appendix 7.6: Kent Downs Area of Outstanding Natural Beauty Relevant Guidance.	ES Chapter 7: Landscape and Visual <a href="#">[APP-145]</a> ES Appendix 7.6: Kent Downs AONB Relevant Guidance <a href="#">[APP-381]</a> ES Addendum <a href="#">[REP5-062]</a>	Matter Agreed

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant’s Response	Application Document Reference	Status
Cost benefit assessment	2.1.2	<p>The AONB Unit is concerned that too much emphasis has been placed on economic factors without due consideration of the Project’s impact on the environment. The economic benefits must be weighed against the loss of quality of life and wellbeing that would be caused by damage to protected landscapes, biodiversity, the historic environment, light pollution and loss of tranquillity in a landscape of national significance.</p>	<p>All decisions about the Project, such as whether it should proceed, the selection of a preferred route and design considerations, have taken account of a wide range of economic, social and environmental impacts, and have been assessed appropriately, in accordance with the requirements of the National Policy Statement for National Networks (NPSNN). It is the Applicant’s view that the NPSNN test has been met, and that the benefits of the Project clearly outweigh the impact on the Kent Downs AONB.</p> <p>Impacts on the Kent Downs AONB are assessed in the ES:</p> <ul style="list-style-type: none"> <li>• Impacts to quality of life and wellbeing are assessed within ES Chapter 13: Population and Human Health</li> <li>• Impacts to biodiversity are assessed within ES Chapter 8: Terrestrial Biodiversity</li> <li>• Impacts to the AONB, including light pollution and tranquillity, are assessed in ES Chapter 7: Landscape and Visual</li> <li>• Impacts to the historic environment are assessed in ES Chapter 6: Cultural Heritage</li> </ul>	<p>ES Chapter 13: Population and Human Health <a href="#">[APP-151]</a></p> <p>ES Chapter 8: Terrestrial Biodiversity <a href="#">[APP-146]</a></p> <p>ES Chapter 7: Landscape and Visual <a href="#">[APP-145]</a></p> <p>ES Chapter 6: Cultural Heritage <a href="#">[REP4-116]</a></p> <p>ES Addendum <a href="#">[REP5-062]</a></p> <p>Need for the Project <a href="#">[APP-494]</a></p> <p>Planning Statement <a href="#">[APP-495]</a></p>	Matter Not Agreed



Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant’s Response	Application Document Reference	Status
			<p>The Planning Statement responds to the following paragraphs of the NPSNN:</p> <p>Paragraph 5.151 which requires that applications should include an assessment of:</p> <ul style="list-style-type: none"> <li>• <i>‘the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;</i></li> <li>• <i>the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and</i></li> <li>• <i>any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’</i></li> </ul> <p>Paragraph 5.152 of the NSPNN also states that:</p> <p><i>‘There is a strong presumption against any significant road widening or the building of new roads ... [in an] AONB unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly.’</i></p>		

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Landscape compensation	2.1.37 (ED1) <b>RRN</b>	At F.3.5 of the Planning Statement Appendix F Kent Downs AONB, it is advised that environmental compensation and mitigation in the Kent Downs AONB includes earthwork features such as false cuttings, walking, cycling and horse-riding route realignments, improved connections over the A2/M2 and with local roads, ancient woodland compensation planting and extensive woodland planting around the A122/A2/M2 junction. This is not considered by the AONB Unit to represent compensation for the harm arising to the landscape and scenic beauty of the Kent Downs AONB.	As acknowledged in the Kent Downs AONB Unit's relevant representation, the Applicant is engaged in constructive ongoing discussions regarding appropriate compensation for the harm to the Kent Downs AONB.  For clarity, paragraph F.3.5 of the Planning Statement Appendix F: Kent Downs Area of Outstanding Natural Beauty simply identifies mitigation and compensation measures that are in the Kent Downs AONB; it does not state that the measures compensate for the harm to the AONB arising from the Project.	Planning Statement Appendix F: Kent Downs AONB [ <a href="#">APP-501</a> ]  Kent Downs AONB Unit's Relevant Representation [ <a href="#">RR-0558</a> ]	Matter Under Discussion
<b>Route selection, model alternatives and assessment of reasonable alternatives</b>					
Route location	2.1.3 <b>RRE</b>	The AONB Unit is strongly opposed to the route selection because of significant detrimental impacts to the Kent Downs AONB.	A robust and appropriate assessment of the route selection has been undertaken and is detailed in ES Chapter 3: Assessment of Reasonable Alternatives.  A non-statutory public consultation was held in 2016 which included a detailed appraisal of the routes. Route 3 was progressed as it best met the Scheme Objectives and had the least environmental impact. A further assessment was undertaken in 2020 which assessed the balance of the environmental impacts of the Eastern	ES Chapter 3: Assessment of Reasonable Alternatives [ <a href="#">APP-141</a> ]  ES Addendum [ <a href="#">REP5-062</a> ]  Planning Statement [ <a href="#">APP-495</a> ]	Matter Not Agreed

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant’s Response	Application Document Reference	Status
			<p>Southern Link against the Western Southern link, including an assessment of Landscape Character Areas and impacts to the AONB. The impacts of the Western Southern Link remain less significant than the overall balance of impacts of the Eastern Southern Link. Full details of the route selection process can be found in ES Chapter 3: Assessment of Reasonable Alternatives.</p> <p>Impacts to the Kent Downs AONB are assessed within the Planning Statement as it is an NPSNN test (as detailed in item 2.1.2).</p> <p>As stated above, it is the Applicant’s view that the NPSNN test has been met, and that the benefits of the Project clearly outweigh the impact on the Kent Downs AONB.</p>		
Utilities Diversions	2.1.41 <b>WR</b> (DL6)	Much of the harm to the AONB arises as a result of these utility diversions. Alternative solutions for locating these elsewhere have not, in our view, been fully explored or justifiably discounted, for example, relocating them under existing highway infrastructure such as Thong Lane/Brewers Rd.	Alternative proposals for utility diversions have been communicated during the development of the Project design during technical engagement (for example the utilities workshops held on 3 December 2019 and 6 February 2020) and the non-statutory consultations prior to the application submission. As per Plate 2.11 of ES Chapter 2: Project	ES Chapter 2: Project Description <a href="#">[APP-140]</a> ES Addendum <a href="#">[REP5-062]</a> ES Appendix 2.2: Code of Construction	Matter Not Agreed

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		<p>It is advised at 5.6.8 of the Planning Statement that the <i>‘only engineering alternative, to avoid diversion within the AONB, would be to reconfigure local utility networks from Gravesend to the M2 junction 1 via the A226 and local road networks. Even this would not avoid the need for some works within the AONB as customer connections would still need to be completed within the AONB. Therefore, such a reconfiguration would give rise to significant impacts on traffic/air quality, programme length and entail engineering complexities, while still requiring work within the AONB.’</i> However, the impacts to the AONB would be significantly less damaging and we consider this option has been discounted too readily</p>	<p>Description, proposals have been reviewed as part of an iterative design process and the needs and impacts considered. This process has resulted in amendments such as Work No. G1a being located within Brewers Road and Park Pale instead of within the woodland east of Brewers Road. At the detailed design stage, further consideration will be given to the designed alignment and the construction impacts in accordance with REAC commitment LV001, within the Code of Construction Practice.</p> <p>The AONB Unit’s view that the impacts to the AONB via another pipeline routing would be <i>‘significantly less damaging’</i> is not supported by the Applicant. The alternative pipeline route would have required additional pipelines to be installed, of a greater bore than currently proposed to provide gas to the customers of the network. It would have increased the area of interface between the Works and the Kent Downs AONB with the additional need for further Utility Logistics Hubs during the construction of the pipeline.</p> <p>It is of note that this alternative proposal would not be acceptable to</p>	<p>Practice <a href="#">[REP5-048]</a>                      Planning Statement <a href="#">[APP-495]</a></p>	

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			<p>the gas network owner and operator due to operation and maintenance considerations, including additional costs associated with the upkeep of that network. The alternative route would also omit or significantly impede the opportunities to install infrastructure at the same time as constructing the Project that would enable the gas network operator to consider providing mains gas to Thong Village, Cobham and the businesses along the A2.</p>		
<b>Landscape &amp; Visual</b>					
Baseline	2.1.42 <b>WR</b> (DL6)	<p>The LVIA has assessed the impacts on the Kent Downs AONB Landscape Character Areas (LLCA) based on an adjusted plotting of the boundaries of the Shorne and Cobham Subareas of the West Kent Downs Character Areas. This re-adjustment of the boundaries results in less of the proposed works falling within the Cobham sub-area as defined in the LVIA than within the Kent Downs published LCA and conversely, a greater proportion of the works falling within the Shorne sub-area.</p>	<p>As detailed in Appendix A of Comments on Written Representations, the boundaries of character areas identified in the studies have been used to inform the definition of the LLCAs, which have been used as a basis for the assessment of effects on the landscape at the local level. In a limited number of locations, the boundaries of the published character areas have been slightly adjusted through detailed study and analysis undertaken for the LVIA in ES Chapter 7.</p>	<p>ES Chapter 7: Landscape and Visual  <a href="#">[APP-145]</a>  ES Addendum  <a href="#">[REP5-062]</a>  Comments on WRs Appendix A: Statutory Environmental Bodies <a href="#">[REP2-046]</a></p>	Matter Under Discussion

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<p>From the Applicant's review of the West Kent Downs (sub area Cobham) LLCA and from its site visits, it is of the view that HS1 and the associated planting strongly define the northern extent of the Cobham sub area, and it therefore made sense for the Shorne sub area to incorporate the whole width of the A2 corridor, beyond HS1. Notwithstanding this slight difference in the West Kent Downs (sub area Cobham) LLCA boundary for the purposes of the assessment, the effects of the Project are fully assessed either as direct or indirect effects within the West Kent Downs (sub area Cobham) LLCA and/or the neighbouring West Kent Downs (sub area Shorne) LLCA. The findings of these two assessments are then brought together into a combined assessment for the overarching West Kent Downs Landscape Character Area (LCA) 1A. The combined effects reported in the landscape impact summary in Tables 7.33 and 7.34 in Section 7.9 of ES Chapter 7: Landscape and Visual and the overall conclusion of the landscape and visual impact assessment would therefore not differ if the Cobham and Shorne sub area boundary is drawn in a different location.</p>		

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Methodology	2.1.4	Viewpoints and photomontage locations and methodology have been agreed with the AONB Unit.	Methodology agreed.	ES Chapter 7: Landscape and Visual [ <a href="#">APP-145</a> ] ES Addendum [ <a href="#">REP5-062</a> ]	Matter Agreed
Methodology	2.1.5	The tranquillity baseline noise monitoring locations have been agreed with the AONB Unit.	Baseline locations agreed.	ES Chapter 7: Landscape and Visual [ <a href="#">APP-145</a> ] ES Addendum [ <a href="#">REP5-062</a> ]	Matter Agreed
Methodology	2.1.6	The methodology for assessing indirect effects on the Kent Downs AONB has been agreed with the AONB Unit.	Methodology agreed.	ES Chapter 7: Landscape and Visual [ <a href="#">APP-145</a> ] ES Addendum [ <a href="#">REP5-062</a> ]	Matter Agreed
Impacts	2.1.7 <b>RRE</b>	The construction of a highway and junction in the immediate setting of the Kent Downs AONB will create a significant visual impact resulting in substantial harm to Kent Downs AONB that could not be satisfactorily mitigated.	The Applicant agrees that there is a significant impact on local landscape character within the Kent Downs AONB as detailed within ES Chapter 7: Landscape and Visual. Measures have been taken to minimise the impact to the Kent Downs AONB where practicable. The impact on the Kent Downs AONB is assessed within the Planning Statement as it is an NPSNN test. The Applicant's view is that the Project meets the NPSNN test.	ES Chapter 7: Landscape and Visual [ <a href="#">APP-145</a> ] ES Addendum [ <a href="#">REP5-062</a> ] Planning Statement [ <a href="#">APP-495</a> ]	Matter Agreed

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant’s Response	Application Document Reference	Status
Impacts	2.1.8 <b>RRE</b>	<p>The removal of existing vegetation along the A2, including the central reservation, loss of mature trees from both sides of the highway and removal of mitigation for High Speed 1 will open up views of the transport corridor and reduce the current wooded context within which it sits, negatively impacting landscape character.</p> <p>The AONB Unit acknowledges that discussions with Statutory Undertakers have reduced impacts since the Supplementary Consultation, although remain greater than the Applicant originally consulted on in 2016 and 2018.</p>	<p>The Applicant agrees that there is a localised significant impact on local landscape character within the Kent Downs AONB as detailed within ES Chapter 7: Landscape and Visual. Measures have been taken to minimise impact to the Kent Downs AONB where practicable.</p> <p>Discussions with Statutory Undertakers have resulted in a reduction in woodland loss, including High Speed 1 mitigation, and ancient woodland loss since impacts were first presented to the AONB Unit in 2019.</p> <p>The Project will result in the loss of vegetation within the central reservation, which is assessed in ES Appendix 7.13: Views from the Road Assessment. The minimum areas of retained vegetation are detailed in the Environmental Masterplan (ES Figure 2.4).</p> <p>Several securing mechanisms have been included to further reduce the impact on the Kent Downs AONB, including:</p> <ul style="list-style-type: none"> <li>• Design Principle LSP.01 'Retention of existing vegetation'</li> <li>• Register of Environmental Actions and Commitments (REAC)</li> </ul>	<p>ES Chapter 7: Landscape and Visual [<a href="#">APP-145</a>]  ES Addendum [<a href="#">REP5-062</a>]  ES Figure 2.4: Environmental Masterplan [<a href="#">REP4-124</a>, <a href="#">REP3-098</a>, <a href="#">REP2-018</a>, <a href="#">APP-162</a>, <a href="#">REP4-127</a>, <a href="#">REP4-129</a>, <a href="#">REP2-024</a> to <a href="#">REP2-031</a>]  ES Appendix 7.13: Views from the Road Assessment [<a href="#">APP-388</a>]  Design Principles [<a href="#">REP4-146</a>]  ES Appendix 2.2: Code of Construction Practice [<a href="#">REP5-048</a>]</p>	Matter Agreed



Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<p>Commitment LV013 'Designated/protected trees and hedgerows, utilities'</p> <ul style="list-style-type: none"> <li>• REAC Commitment LV028 'Protection of retained woodland, trees and hedges'</li> <li>• REAC Commitment LV029 'Landscape planting'</li> <li>• REAC Commitment LV030 'Veteran and ancient tree fencing'</li> </ul>		
Impacts	2.1.9 <b>RRE</b>	Physical and visual severance of the Kent Downs AONB to the north of the A2 will further isolate Shorne Woods from Cobham Parklands and Ashenbank Wood to the south.	Although the Project would increase the width of the transport corridor, in the longer-term, Brewers Road green bridge and Thong Lane green bridge south would reduce the severance by providing dedicated walker, cyclist and horse rider (WCH) routes and soft landscape features providing visual screening of the corridor with improved ecological connectivity.	ES Chapter 7: Landscape and Visual [ <a href="#">APP-145</a> ] ES Addendum [ <a href="#">REP5-062</a> ]	Matter Not Agreed
Impacts	2.1.10	The cumulative visual impacts of the widened A2 corridor should be considered in combination with High Speed 1.	High Speed 1 is considered as part of the baseline for ES Chapter 7: Landscape and Visual and is also considered within the visual assessment, which includes the increased visibility of High Speed 1.	ES Chapter 7: Landscape and Visual [ <a href="#">APP-145</a> ] ES Addendum [ <a href="#">REP5-062</a> ]	Matter Agreed
Impacts	2.1.11 <b>RRE</b>	There will be a reduction in tranquillity during construction and following completion of the Project	The Applicant's landscape and visual assessment (ES Chapter 7: Landscape and Visual) confirms that	ES Chapter 7: Landscape and	Matter Agreed

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
		from both noise and increased lighting.	there would be localised impacts on tranquillity during construction and following completion of the Project, along the A2/M2 corridor.  As detailed in REAC Commitment NV013 'Road Surfacing' (Code of Construction Practice (ES Appendix 2.2)), low-noise road surfacing would be installed on all new and affected roads, including all new sections of the A2/M2 and the M2/A2/A122 Lower Thames Crossing junction as part of the upgrade works to reduce road traffic noise by up to -3.5 decibels (dB). Low-noise road surfacing is also proposed for the local roads crossing the A2, this will reduce road traffic noise by up to -2.5dB.	Visual [ <a href="#">APP-145</a> ] ES Addendum [ <a href="#">REP5-062</a> ] ES Appendix 2.2: Code of Construction Practice [ <a href="#">REP5-048</a> ]	
Impacts	2.1.12 <b>RRE</b>	Increased use of traffic at A229 Blue Bell Hill could create future pressure for this route to be widened. This is also likely to have impacts on the road links between Dover and Folkestone which would impact on the landscape of the Kent Downs AONB.  The AONB Unit would expect the proposed works to be assessed in the Lower Thames Crossing ES.	The Applicant acknowledges the concern raised by the AONB Unit. The Traffic Forecasts Non-Technical Summary presents the forecast percentage change in flow as a result of the Project, and an increase is predicted along the A229. Improvements to the A229 at the intersections with the M2 and M20 are not part of the Project and are therefore assessed in ES Chapter 16: Cumulative Effects Assessment.	Traffic Forecasts Non-Technical Summary [ <a href="#">APP-528</a> ] Wider Network Impacts Management and Monitoring Plan [ <a href="#">APP-545</a> ] ES Chapter 16: Cumulative	Matter Under Discussion

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<p>Any future development of the A229, as proposed by Kent County Council, would be subject to the requirements of the National Planning Policy Framework which only allows for development in exceptional circumstances and where it can be demonstrated that it is in the public interest.</p> <p>The Applicant is currently in joint discussions with relevant authorities about the proposed improvement works at this location in accordance with its licence obligations to work with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.</p> <p>This matter is subject to ongoing discussion.</p>	<p>Effects Assessment <a href="#">[APP-154]</a> ES Addendum <a href="#">[REP5-062]</a></p>	
Impacts	2.1.13	Any diversions of routes should not degrade the experience of users and the connectivity of the WCH network.	<p>Any WCH routes severed during construction would be re-linked across the Project unless better quality routes can be provided in the vicinity, for example where a route can be rationalised to better link communities with destinations, or realignment of routes to provide better connectivity into the existing WCH network.</p> <p>Consideration has been given to the</p>	<p>ES Chapter 7: Landscape and Visual <a href="#">[APP-145]</a> ES Addendum <a href="#">[REP5-062]</a> Design Principles <a href="#">[REP4-146]</a></p>	Matter Agreed

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			<p>experience of users and maintaining connectivity with the creation of pleasant routes between Shorne Woods Country Park, Ashenbank Wood and Jeskyns Community Woodland, linked with existing routes from Gravesend (as detailed in Design Principle PEO.09 'WCHs south of the Thames').</p> <p>Public Rights of Way (PRoWs) NS167 and NS169 would be integrated into a new circular WCH route connecting around the M2/A2/A122 Lower Thames Crossing junction. Between Claylane Wood and Shorne Woods Country Park, this would be via a new green bridge at Thong Lane.</p>		
Impacts	2.1.14 <b>RRE</b>	<p>The revised access to the Harlex Haulage Depot presented in the Community Impacts Consultation would result in further encroachment into a currently undeveloped part of the AONB which has high landscape character and value. This would result in urbanising effects on the AONB. The revisions also omit previously proposed woodland planting.</p> <p>Any access to the Harlex Haulage Depot should be located as close to the A2 as possible to minimise</p>	<p>The access to the Harlex Haulage Depot is located as close to the A2 corridor as possible while maintaining a safe design and junction. The access has been designed with stakeholder feedback from the haulage operator to ensure the design facilitates their operations.</p> <p>The proposed woodland planting adjacent to the Harlex Haulage Depot is in line with that proposed in December 2020 and as detailed in the</p>	<p>ES Figure 2.4: Environmental Masterplan <a href="#">[REP4-124,</a> <a href="#">REP3-098,</a> <a href="#">REP2-018,</a> <a href="#">APP-162,</a> <a href="#">REP4-127,</a> <a href="#">REP4-129,</a> <a href="#">REP2-024</a> to <a href="#">REP2-031]</a></p>	Matter Not Agreed

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
		encroachment into this undeveloped part of the AONB. The AONB Unit does not agree with the proposed location of the access road.	Environmental Masterplan (ES Figure 2.4).		
Impacts	2.1.15 <b>RRE</b>	The AONB Unit has concerns about the proposed location of the construction compound directly adjacent to the AONB, which would result in the loss of Gravelhill Wood. This mature woodland is consistent with local landscape character and shares the characteristics of the adjacent AONB, comprising part of the wooded ridgeline. Removal of the woodland would also open up views of the complicated, multi-level junction with the A2 to the adjacent AONB. The AONB Unit opposes the loss of this woodland.  Notwithstanding their objection to the removal of the woodland, the AONB Unit considers that the most appropriate restoration would be to replace the removed woodland.	The construction of the new M2/A2/A122 Lower Thames Crossing junction and associated utilities diversions would result in the loss of Gravelhill Wood.  A block of woodland planting is proposed on the embankment to the east of the junction which would provide some screening, in conjunction with the false cutting along the A122 to A2 eastbound slip road, to help mitigate the visual impact on the AONB.  The Applicant shared draft landscape cross-sections through the M2/A2/A122 Lower Thames Crossing junction with the AONB Unit on 10 May 2023 to support this ongoing engagement.	ES Chapter 7: Landscape and Visual [APP-145] ES Addendum [REP5-062]	Matter Not Agreed
Impacts	2.1.40 (ED1) <b>RRN</b>	The AONB Unit considers that the level of harm to the AONB is under assessed in some cases in the landscape and visual impact assessment, in particular in respect	The methodology for the landscape and visual impact assessment is set out in Section 7.3 of ES Chapter 7: Landscape and Visual and ES Appendix 7.2: Landscape and Visual	ES Chapter 7: Landscape and Visual [APP-145]	Matter Not Agreed

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		<p>of the reported effects at design year, but also in respect of some of the opening year effects, mainly as a result of what we consider to be under assessment of magnitude of change. This consequently leads to under-estimated residual significance of effects for the receptors. The AONB Unit also considers that the impacts reported in ES Appendix 7.13: Views from the Road Assessment are under assessed in respect of views from within the AONB, both in respect of the sensitivity of the receptor and the predicted magnitude of change at construction, Year 1 and the design year.</p>	<p>Assessment Methodology and has been appropriately applied to assess the realistic worst-case effects likely to arise from the Project on the landscape character and visual amenity of the Kent Downs AONB. These realistic worst-case effects are set out in ES Appendix 7.9: Schedule of Landscape Effects and ES Appendix 7.10: Schedule of Visual Effects. The landscape character and views from the Kent Downs AONB are already impacted by the existing M2/A2 corridor and this has been taken into consideration in the landscape and visual impact assessment.</p> <p>Landscape and visual effects at design year have been assessed with regard to the mitigation that would be provided by the proposed planting shown on ES Figure 2.4: Environmental Masterplan Sections 1 &amp; 1A (1 of 10), Section 2 (2 of 10) and Section 3 (3 of 10), allowing for the effect of 15 years growth.</p> <p>The sensitivity of visual receptors within ES Appendix 7.13: Views from the Road Assessment has been based on Design Manual for Roads and Bridges LA 107 Landscape and</p>	<p>ES Addendum <a href="#">[REP5-062]</a>                      ES Appendix 7.2: Landscape and Visual Assessment Methodology <a href="#">[APP-377]</a>                      ES Appendix 7.9: Schedule of Landscape Effects <a href="#">[APP-384]</a>                      ES Appendix 7.10: Schedule of Visual Effects <a href="#">[APP-385]</a>                      ES Figure 2.4: Environmental Masterplan <a href="#">[REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031]</a>                      ES Appendix 7.13: Views</p>	

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			visual effects <sup>1</sup> , where users of main roads are identified as being of low sensitivity. The assessment of the magnitude of change in views reported in ES Appendix 7.13 takes into consideration the effect of existing highway infrastructure on the views of road users traveling along the M2/A2 corridor within the Kent Downs AONB.	from the Road Assessment [APP-388]	
Mitigation	2.1.16 <b>RRE</b>	The proposed mitigation south of the Thames is inadequate in view of the scale of impact and significant residual harm that would result to the Kent Downs AONB.	The Applicant has followed the mitigation hierarchy of avoid, mitigate, compensate to minimise the impact to the Kent Downs AONB and has reported residual significant effects within ES Chapter 7: Landscape and Visual. In accordance with this, impacts to ancient woodland and veteran trees have been avoided wherever practicable, and have significantly reduced since the Supplementary Consultation in 2020, for example through engagement with Statutory Undertakers on utilities proposals. For example, REAC Commitment LV013 'Designated/protected trees and hedgerows, utilities' commits to using trenchless installation methods to	ES Chapter 7: Landscape and Visual [APP-145] ES Addendum [REP5-062] ES Appendix 2.2: Code of Construction Practice [REP5-048]	Matter Not Agreed

<sup>1</sup> Highways England (2020). Design Manual for Roads and Bridges, LA 107 Landscape and visual effects. Revision 2. Accessed May 2023.  
<https://www.standardsforhighways.co.uk/tses/attachments/bc8a371f-2443-4761-af5d-f37d632c5734?inline=true>.

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			<p>avoid the removal of ancient woodland where reasonably practicable (Code of Construction Practice (ES Appendix 2.2)).</p> <p>The Applicant has included a robust and appropriate package of mitigation at a landscape scale, including substantial areas of land for woodland planting (including ancient woodland mitigation planting), nitrogen deposition compensation planting and other ecological habitats, which support improved habitat connectivity within the wider landscape. The landscape scale approach taken by the Project is based on guidance received from the Department for Environment, Food and Rural Affairs (Defra) family at Statutory Consultation in the document ‘Defra Family Potential Environmental Legacy Projects’.</p> <p>The potential for mitigation alongside the A2/M2 is limited due to restricted space for planting and the constraints of the utility corridors within vicinity of the A2/M2 corridor. .</p>		
Mitigation	2.1.17 <b>RRE</b>	It is disappointing more replacement planting is not proposed within the Kent Downs AONB. Mitigation further afield within the boundary of the Kent	The Applicant has proposed areas of planting both within and adjacent to the Kent Downs AONB with the aim of planting as close as possible to where	ES Chapter 7: Landscape and	Matter Not Agreed



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		<p>Downs AONB could help to further mitigate impacts to the Kent Downs AONB.</p>	<p>the impact is and to reduce impacts to the setting of the Kent Downs AONB. There are additional constraints within the Kent Downs AONB, for example heritage considerations and conservation areas where the setting could be negatively impacted by woodland planting. Areas of replacement planting have therefore been designed within these constraints.</p> <p>A 70ha site (Blue Bell Hill) and a 10ha site (Burham) were originally included within the Kent Downs AONB as part of the proposed nitrogen deposition compensation package.</p> <p>However, ongoing engagement with the landowner of the sites highlighted new information about the implications of the proposals on the farm business, and a newly agreed Countryside Stewardship Scheme. As part of the initial site selection process for NDep compensation, sites with a significant ecological value (for example land in Countryside Stewardship Schemes) were discounted.</p> <p>In response, the Applicant identified an opportunity to make modifications to the Burham (Works No. E2) and Blue Bell Hill (Works No. E1) nitrogen</p>	<p>Visual [<a href="#">APP-145</a>]                      ES Chapter 8: Terrestrial Biodiversity [<a href="#">APP-146</a>]                      ES Addendum [<a href="#">REP5-062</a>]                      oLEMP [<a href="#">REP4-140</a>]                      Procedural Decision [<a href="#">PD-031</a>]                      First Change Application [<a href="#">CR1-002</a>]</p>	

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			<p>deposition compensation sites to reduce the amount of land to be taken while still providing sufficient compensation. No new or different likely significant adverse effects are anticipated to result from these changes during either construction or operation.</p> <p>Following a public consultation, the Applicant submitted a change application on 2 August 2023 to remove the Burham site from the Order Limits, and to reduce the Blue Bell Hill site by 29ha. A procedural decision to accept the change into the examination was received on 29 August 2023. The area of significantly affected habitat across the Project would be 176.4ha and the total area of compensation is 205ha following these changes. This represents a comparable and appropriate level of compensation.</p> <p>The retained 43ha at Blue Bell Hill is the land which maximises the ecological connectivity, and therefore the Blue Bell Hill site continues to provide a robust ecological connection to existing woodland (as detailed in items 2.1.32 and 2.1.33) and therefore</p>		

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			<p>its nitrogen deposition compensation function.</p> <p>The Blue Bell Hill site comprises woodland planting and open mosaic habitat and aligns with an area which was historically wooded. The Applicant has consulted with Kent Downs AONB Unit to ensure these habitat types align with the AONB Unit's aspirations and management plan objectives. Due to this substantial area of proposed new woodland habitat remaining in the reduced Order Limits, the significant beneficial landscape effect on the Mid Kent Downs (sub area Bredhurst) during operation would remain, as reported in the First Change Application.</p> <p>The First Change Application also reports a beneficial visual effect at representative viewpoint NDep-RV-08, although this would no longer be considered significant due to the proposed reduction in the area of new woodland habitat and therefore the extent of change to the existing view during operation.</p> <p>The detailed design of the nitrogen deposition compensation sites will be developed through the outline Landscape and Ecology Management</p>		

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			<p>Plan (oLEMP) Advisory Group, which the AONB Unit will be a member of.</p> <p>The Applicant also continues to discuss additional compensatory enhancements with the AONB Unit as detailed in 2.1.26.</p>		
Mitigation	2.1.36 (ED1) <b>RRN</b>	Where mitigation planting is proposed within the AONB, it does not always reflect landscape character, such as on former parkland north of Park Pale.	<p>Project Design Report, Part D: General Design South of the River discusses the approach to the Project design, including where the design has considered the Kent Downs AONB. The Design Principles include several clauses requiring that the detailed Project design be reflective of the landscape character of the Kent Downs AONB, including:</p> <ul style="list-style-type: none"> <li>• Principle S1.06 that requires the detailed design of the landscape mitigation to complement and strengthen the existing character of the Kent Downs AONB.</li> <li>• Principle S1.07 that requires use of a diverse palette of native shrub and tree species characteristic of the local landscape character and of local provenance within the Kent Downs AONB and its setting, in accordance with the Kent Downs AONB Landscape Design Handbook.</li> </ul>	<p>Project Design Report, Part D: General Design South of the River [<a href="#">APP-509</a>]  Design Principles [<a href="#">REP4-146</a>]  ES Figure 2.4: Environmental Masterplan [<a href="#">REP4-124</a>, <a href="#">REP3-098</a>, <a href="#">REP2-018</a>, <a href="#">APP-162</a>, <a href="#">REP4-127</a>, <a href="#">REP4-129</a>, <a href="#">REP2-024</a> to <a href="#">REP2-031</a>]</p>	Matter Under Discussion

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant’s Response	Application Document Reference	Status
			<ul style="list-style-type: none"> <li>Principle S1.09 that requires proposed retaining structures and bridge abutments within the Kent Downs AONB and its setting, to be either green walls, earth banks, or clad with hard materials in accordance with the Kent Downs AONB Landscape Design Handbook and be reflective of the local vernacular.</li> </ul> <p>Ancient woodland compensation planting is proposed to the north of Park Pale bridge, to the east of Shorne Woods Country Park, as shown on ES Figure 2.4: Environmental Masterplan Sections 1 &amp; 1A (1 of 10). Principle S1.08 of the Design Principles requires the design of this woodland to retain key views from the upper slopes of the new woodland planting area across the M2/A2 corridor to the Darnley Mausoleum within Cobham Park Registered Park and Garden of Special Historic Interest, as well as views to the wider Kent Downs AONB. The requirement for the design to be in accordance with the Design Principles would ensure that planting within the AONB will be reflective of the landscape character of the Kent Dows AONB.</p>		

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Mitigation	2.1.18	The AONB Unit initially requested further detail on the design of the proposed Park Pale acoustic barrier and expressed concerns about its potential urbanising effect. The AONB Unit now welcomes the removal of the Park Pale acoustic barrier from the design.	Following engagement with the AONB Unit and Natural England, and in response to their concerns about the potential urbanising effect of the Park Pale acoustic barrier, it has now been removed from the design.	N/A	Matter Agreed
Mitigation	2.1.19	Advanced planting should be established, ideally before the impact had occurred.	Advanced woodland planting would be undertaken as early in the programme as practicable, as set out in REAC Commitments LV029 'Landscape Planting' and TB001 'Hedgerow Replacement' (Code of Construction Practice (ES Appendix 2.2)).	ES Appendix 2.2: Code of Construction Practice [ <a href="#">REP5-048</a> ]	Matter Agreed
Mitigation	2.1.20	The AONB Unit supports the upgrading of WCH routes and the proposal to reinstate any PRoW that would be affected by the Project.	The Project Design Report incorporates a WCH strategy that seeks to reconnect severed links by way of overbridges or underpasses as close to their original alignment as practicably possible.	Project Design Report [ <a href="#">APP-506</a> to <a href="#">APP-515</a> ]	Matter Agreed
Mitigation	2.1.21	The Kent Downs AONB Unit would like early sight of the Environmental Masterplan.	The draft Environmental Masterplan (ES Figure 2.4) was issued to the AONB Unit on 05 June 2020 and 01 December 2020.  The updated GIS layer containing the environmental design was also issued to the AONB Unit on 28 April 2022.	ES Figure 2.4: Environmental Masterplan [ <a href="#">REP4-124</a> , <a href="#">REP3-098</a> , <a href="#">REP2-018</a> , <a href="#">APP-162</a> , <a href="#">REP4-127</a> , <a href="#">REP4-129</a> , <a href="#">REP2-024</a> to <a href="#">REP2-031</a> ]	Matter Agreed

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Mitigation	2.1.22 <b>RRE</b>	The AONB Unit supports the creation of green bridges. Their initial view was that the design should focus on WCH experience, which should be through the 'green' area. However, the AONB Unit now accepts that the WCH route is located at the edge of the 'green' to provide ecological connectivity. The AONB Unit would like the green bridges to be wider than those proposed. Discussions are ongoing regarding green bridge designs.	Discussions are ongoing regarding green bridge designs, including the meeting with the AONB Unit and Natural England in May 2022, and a site visit in July 2022.  The Applicant has presented its rationale for locating the WCH route at the edge of the 'green', to provide a robust vegetated area for the movement of animals.  Green bridge designs were discussed further at a meeting on 27 June 2023.	ES Chapter 7: Landscape and Visual [APP-145] ES Addendum [REP5-062] Design Principles [REP4-146]	Matter Under Discussion
Mitigation	2.1.23	The AONB Unit's colour design guide should be consulted in the design of structures located within the AONB.	The Applicant has included reference to the AONB Unit's colour design guide in Design Principle STR.06 'Project enhanced structures: consistent design approach'.	Design Principles [REP4-146]	Matter Agreed
Mitigation	2.1.24	Green bridge designs should be sensitive to the landscape within which they are located, for example use of flint and ragstone cladding.	The Applicant has committed to Design Principle STR.06 'Project enhanced structures: consistent design approach' which states that <i>'within and close to the Kent Downs AONB, materials will be self-finished, minimising maintenance while being consistent and appropriate to the colour palette required in the Kent Downs AONB.'</i>	Design Principles [REP4-146]	Matter Agreed

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Mitigation	2.1.25	The ongoing maintenance of compensation and mitigation will be important.	Noted. Following construction, monitoring of newly created habitats would be undertaken in accordance with the oLEMP. This would outline the required maintenance operations, control measures and frequency of monitoring surveys to ensure the successful establishment of habitats. This will be monitored by the oLEMP Advisory Group which the AONB Unit will be a member of.	oLEMP [REP4-140]	Matter Agreed
Mitigation	2.1.39 (ED1) RRN	The AONB Unit is supportive of measures incorporated into the oLEMP (Application Document 6.7) which has been developed with input from the AONB Unit. However, the AONB Unit is concerned not to be identified as a relevant Stakeholder with whom the LEMP is to be developed further, as set out at paragraph 2.16 and Table 2.1 of the oLEMP (Application Document 6.7). The AONB Unit is now satisfied to be included as a consultee in Table 2.1 of the oLEMP.	The stakeholders identified for consultation during the further development of the LEMP mirrored those identified for consultation on the subsequent iterations of the Code of Construction Practice, where Natural England provide statutory advice in relation to development proposals that affect the Kent Downs AONB as well as other designated sites, habitats and protected species. However, the Applicant would welcome the inclusion of the Kent Downs AONB Unit in the further development of the LEMP and has therefore updated the oLEMP to include the AONB Unit as a named consultee in Table 2.1.	oLEMP [REP4-140]	Matter Agreed



Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Compensation	2.1.26 <b>RRE</b>	<p>The AONB Unit does not agree that the reduced Blue Bell Hill site is sufficiently large to provide compensatory enhancements for the AONB.</p> <p>As the significant impacts to the Kent Downs AONB cannot be fully mitigated, the AONB Unit has requested that monetary compensation in the form of a grant scheme should be provided.</p>	<p>The Applicant has included a 43ha nitrogen deposition site at Blue Bell Hill, which would still provide compensatory enhancements for the AONB Unit, as detailed in item 2.1.17.</p> <p>In addition, the Applicant is continuing to work collaboratively with the AONB Unit to consider their suggestions for additional compensatory enhancement measures.</p> <p>The Applicant shared a draft Heads of Terms for a compensatory enhancement fund with the AONB Unit on 31 August 2023 which was discussed at a meetings held on 3 and 16 October 2023. The Applicant welcomes ongoing discussions on this matter, which will include a meeting on 25 October 2023.</p>	<p>ES Chapter 8: Terrestrial Biodiversity <a href="#">[APP-146]</a> ES Addendum <a href="#">[REP5-062]</a> First Change Application <a href="#">[CR1-002]</a></p>	Matter Under Discussion
<b>Terrestrial biodiversity</b>					
Impacts	2.1.27	<p>The loss of Ancient Woodland and Sites of Special Scientific Interest (SSSI) is considered wholly unacceptable and the AONB Unit maintains its objection in the strongest possible terms.</p> <p>The AONB Unit does however acknowledge that discussions with Statutory Undertakers have reduced</p>	<p>The Applicant recognises the level of protection given to SSSIs and ancient woodland in the NPSNN (paragraphs 5.28, 5.29, and 5.32) and believes the Project meets the NPSNN test.</p> <p>The Project has been designed to minimise adverse effects on these habitats.</p>	<p>Planning Statement <a href="#">[APP-495]</a> ES Chapter 8: Terrestrial Biodiversity <a href="#">[APP-146]</a> ES Addendum <a href="#">[REP5-062]</a></p>	Matter Not Agreed

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		<p>impacts since the Supplementary Consultation in 2020 although remain greater than the Project originally consulted on in 2016 and 2018.</p>	<p>The Applicant is working with Statutory Undertakers to further reduce encroachment into ancient woodland wherever practicable. Significant improvements have been made since the Supplementary Consultation in 2020.</p> <p>Where adverse effects are unavoidable, the Applicant's strategy to offset these is considered to be in line with the approach agreed with Natural England. Ancient woodland compensation planting has been proposed as part of the mitigation strategy and supports improved habitat connectivity within the wider landscape.</p>		
Impacts	2.1.28	<p>The AONB Unit would like to understand the exact area of ancient woodland loss resulting from the Project.</p> <p>The AONB Unit acknowledge that this is presented in ES Chapter 8: Terrestrial Biodiversity (Application Document 6.1).</p> <p>The AONB Unit has subsequently asked for a breakdown of ancient woodland loss and compensation located within the Kent Downs AONB, which has now been received</p>	<p>The Applicant shared a breakdown of ancient woodland loss with the AONB Unit on 17 June 2020. Updates have subsequently been provided at technical meetings held between the AONB Unit and Natural England.</p> <p>ES Chapter 8: Terrestrial Biodiversity details the area of ancient woodland loss resulting from the Project.</p> <p>The Applicant shared the breakdown of woodland loss and compensatory planting located within the AONB with the AONB Unit on 30 August 2023.</p>	<p>ES Chapter 8: Terrestrial Biodiversity <a href="#">[APP-146]</a> ES Addendum <a href="#">[REP5-062]</a></p>	Matter Agreed

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Mitigation	2.1.29	It is not possible to replace Ancient Woodland as it takes hundreds of years to establish and is defined as an irreplaceable habitat.	The Applicant acknowledges that it is not possible to replace ancient woodland and recognises the level of protection afforded to it (as detailed in item 2.1.27). The landscape strategy for new areas of woodland planting aims to link areas of retained ancient woodland to improve connectivity and reduce fragmentation effects, which would provide wider biodiversity benefits (further details are available in ES Chapter 7: Landscape and Visual). REAC Commitment TB028 also commits to ancient woodland soil translocation (Code of Construction Practice (ES Appendix 2.2))	ES Chapter 7: Landscape and Visual [ <a href="#">APP-145</a> ] ES Addendum [ <a href="#">REP5-062</a> ] ES Appendix 2.2: Code of Construction Practice [ <a href="#">REP5-048</a> ]	Matter Agreed
<b>Nitrogen deposition</b>					
Impacts	2.1.30	Woodland is particularly susceptible to and could be affected by changes in the nitrogen deposition as a result of changing traffic flows. The AONB Unit welcomes the inclusion of an assessment of potential impacts from nitrogen deposition on designated sites as a result of changes to traffic flows arising from the Lower Thames Crossing.	The effect of nitrogen deposition changes from the Project on woodlands has been fully assessed in ES Chapter 8: Terrestrial Biodiversity and the Habitats Regulations Assessment.	ES Chapter 8: Terrestrial Biodiversity [ <a href="#">APP-146</a> ] ES Addendum [ <a href="#">REP5-062</a> ] Habitats Regulations Assessment [ <a href="#">APP-487</a> and <a href="#">APP-488</a> ]	Matter Agreed

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Compensation	2.1.31 <b>RRE</b>	<p>The AONB Unit supports the general approach to nitrogen deposition compensation, which is proposed, to use a landscape scale approach rather than creating multiple, small new sites and agree that this is likely to provide wider ecological benefits as well as potential improvements both visually and ecologically at a landscape scale.</p> <p>The AONB Unit also agrees with the habitat site selection methodology that was devised to select appropriate sites.</p>	<p>The approach to nitrogen deposition compensation and the site selection methodology has been agreed with the AONB Unit.</p>	<p>ES Chapter 8: Terrestrial Biodiversity <a href="#">[APP-146]</a> ES Addendum <a href="#">[REP5-062]</a> Habitats Regulations Assessment <a href="#">[APP-487]</a> and <a href="#">[APP-488]</a></p>	Matter Agreed
Compensation	2.1.32 <b>RRE</b>	<p>The AONB Unit notes that the majority of sites likely to be affected by increased nitrogen deposition are located 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.</p> <p>The AONB Unit is disappointed that less than half of the total proposed compensation area is proposed in the Kent Downs AONB, which does not appear to provide for equivalent compensation to potential assessed harm to the biodiversity rich habitats of the AONB itself.</p>	<p>The Applicant has taken a landscape scale approach to nitrogen deposition compensation, to enable predominantly wooded enhanced ecological connectivity.</p> <p>Nitrogen deposition compensation sites were selected using a robust site selection methodology agreed with the Kent Downs AONB Unit and Natural England.</p> <p>The methodology included an assessment of the ecological suitability of land parcels using a proximity analysis. This considered proximity and therefore connectivity to other important existing ecological</p>	<p>ES Chapter 8: Terrestrial Biodiversity <a href="#">[APP-146]</a> ES Chapter 5: Air Quality <a href="#">[APP-143]</a> ES Addendum <a href="#">[REP5-062]</a> ES Appendix 5.6: Project Air Quality Action Plan <a href="#">[APP-350]</a></p>	Matter Not Agreed

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			<p>features (located both inside and outside of the AONB), planting provided by the Project as part of the landscape design and the area affected by potentially significant nitrogen deposition changes. The size of the land parcel was also considered, with larger land parcels being categorised as more suitable than smaller ones.</p> <p>The land parcels were then reviewed by a multi-disciplinary group of specialists, to assess the potential opportunities and constraints for each site to refine the site selection. Factors considered include cultural heritage, landscape (including the AONB management plan), utilities, land referencing and planning. The sites were further refined following the Local Refinement Consultation held in 2022.</p> <p>Suitable sites identified through this process which are located entirely within the AONB were the Blue Bell Hill and Burham sites. Additionally, the site to the south of Shorne lies partially within the AONB, However, as detailed in item 2.1.17, following a public consultation, the Applicant submitted a change application on 2</p>	<p>First Change Application  <a href="#">[CR1-002]</a></p>	

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			<p>August 2023 to remove the Burham site from the Order Limits, and to reduce the Blue Bell Hill site by 29ha. A procedural decision to accept the change into the examination was received on 29 August 2023.</p> <p>The Applicant continues to discuss additional compensatory enhancements with the AONB Unit as detailed in 2.1.26.</p>		
Compensation	2.1.33 <b>RRE</b>	<p>The AONB Unit supported the original proposed nitrogen deposition compensation sites at Burham and Blue Bell Hill however, since the removal of the Burham site, and reduction in the size of the Bluebell Hill site (detailed in 2.1.17), the scale of compensation sites in the AONB has been substantially reduced and no longer represents a landscape scale enhancement for the AONB.</p>	<p>As detailed in item 2.1.17, following a public consultation, the Applicant submitted a change application on 2 August 2023 to remove the Burham site from the Order Limits, and to reduce the Blue Bell Hill site by 29ha. A procedural decision to accept the change into the examination was received on 29 August 2023.</p> <p>The retained 43ha at Blue Bell Hill is the land which maximises the ecological connectivity, and therefore the Blue Bell Hill site continues to provide a robust ecological connection to existing woodland (as detailed in items 2.1.32 and 2.1.33) and a significant beneficial landscape effect on the Mid Kent Downs (sub area Bredhurst) during operation, due to the substantial area of proposed new</p>	<p>ES Chapter 8: Terrestrial Biodiversity <a href="#">[APP-146]</a>  ES Addendum <a href="#">[REP5-062]</a>  Habitats Regulations Assessment <a href="#">[APP-487 and APP-488]</a>  First Change Application <a href="#">[CR1-002]</a></p>	Matter Under Discussion

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			woodland habitat at Blue Bell Hill, as reported in the First Change Application. The Applicant continues to discuss additional compensatory enhancements with the AONB Unit as detailed in item 2.1.26.		
Compensation	2.1.34	The AONB Unit provided comments on the oLEMP management requirements relating to the Blue Bell Hill nitrogen deposition compensation site. The AONB Unit agrees that their requested changes have been incorporated, and the AONB Unit is now satisfied with the oLEMP management requirements for this site. The AONB Unit is also satisfied that the development of the design would be undertaken through the oLEMP Advisory Group, which they would be a member of.	The Applicant has consulted the AONB Unit and Natural England on proposed oLEMP management requirements for the Blue Bell Hill nitrogen deposition mitigation site and has updated these to reflect stakeholder feedback. The Applicant has proposed to develop the design of the site through the oLEMP Advisory Group, which the AONB Unit would be a member of.	oLEMP [ <a href="#">REP4-140</a> ]	Matter Agreed
Compensation	2.1.35 <b>RRE</b>	The AONB Unit is disappointed that following the Local Refinement consultation, the site at Blue Bell Hill was reduced by 30ha. The AONB Unit is also disappointed that the Applicant has removed the Burham nitrogen deposition compensation site, and has further	The Applicant considered stakeholder and landowner feedback from the 2022 Local Refinement Consultation and took the decision to reduce the land-take in the Blue Bell Hill compensation field by 30ha, and to add a 10ha site at Burham.	ES Chapter 8: Terrestrial Biodiversity [ <a href="#">APP-146</a> ] ES Addendum [ <a href="#">REP5-062</a> ]	Matter Not Agreed

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant’s Response	Application Document Reference	Status
		<p>reduced the Blue Bell Hill site by 29ha, and does not support these changes.</p>	<p>As detailed in 2.1.17, following a public consultation, the Applicant submitted a change application on 2 August 2023 to remove the Burham site from the Order Limits, and to reduce the Blue Bell Hill site by 29ha. A procedural decision to accept the change into the examination was received on 29 August 2023.</p> <p>The retained 43ha is the land which maximises the ecological connectivity, and therefore the Blue Bell Hill site continues to provide a robust ecological connection to existing woodland (as detailed in items 2.1.32 and 2.1.33) and therefore its nitrogen deposition compensation function. The Applicant has also included additional landscape focused oLEMP management requirements as detailed in item 2.1.34. The site therefore offers an enhancement for the AONB at a landscape scale.</p> <p>The Applicant continues to discuss additional compensatory enhancements with the AONB Unit as detailed in 2.1.26.</p>	<p>Habitats Regulations Assessment [APP-487 and APP-488]  First Change Application [CR1-002]</p>	



## Appendix A Engagement activity

**Table A.1 Engagement activities between the Applicant and Kent Downs AONB Unit since the DCO Application was submitted on 31 October 2022**

Date	Overview of Engagement Activities
16 November 2022	DCO walkthrough presentation to provide stakeholders a summary of where to find relevant DCO Application Documents.
25 November 2022	Stakeholder biodiversity and ecology briefing, including impact, mitigation and compensation proposals and the associated biodiversity value.
29 November 2022	Monthly AONB catch-up to discuss the SoCG.
24 January 2023	Monthly AONB meeting to discuss the Planning Inspectorate's Procedural Decision Note, Service Level Agreements, and green bridges.
20 February 2023	Meeting to discuss a car park and camping barn feasibility study, feedback from the AONB's visit to Blue Bell Hill and the proposed compensatory enhancement package.
07 March 2023	Monthly AONB meeting to discuss the SoCG, the outline specification for the car park and camping barn feasibility study, and Service Level Agreements.
11 April 2023	Monthly AONB meeting to provide feedback on the car park and camping barn feasibility study and the compensatory enhancement objectives.
17 April 2023	Stakeholder Landscape and Ecology Working Group (option A).
03 May 2023	Monthly AONB meeting to discuss the public consultation, the Rule 6 letter and the car park and camping barn feasibility study.
17 May 2023	Stakeholder briefing on the public consultation material.
23 May 2023	Monthly AONB meeting to discuss the public consultation, the SoCG, green bridges, and the examination timetable.
27 June 2023	Monthly AONB meeting to discuss the SoCG, SLA, the car park and camping barn study, green bridges, landscape cross-sections and Local Landscape Character Area boundaries,
23 August 2023	Monthly AONB meeting advising the AONB Unit of the Applicant's intention to provide a compensatory enhancement fund, and to discuss the SoCG.
31 August 2023	Draft Terms of Reference for the AONB's compensatory enhancement fund shared with the AONB Unit for discussion at a meeting on 03 October 2023.
03 October 2023	Monthly AONB Meeting to discuss the draft Heads of Terms for the compensatory enhancement fund shared with the AONB Unit on 31 August 2023.
16 October 2023	Meeting to discuss the draft Heads of Terms for the compensatory enhancement fund.

## Appendix B Glossary

Term	Abbreviation	Explanation
Area of Outstanding Natural Beauty	AONB	Statutory designation intended to conserve and enhance the ecology, natural heritage and landscape value of an area of countryside.
Decibels	dB	The unit of measurement used for sound pressure levels and noise levels.
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.
Geographic Information System	GIS	An integrated collection of computer software and data used to view and manage information about geographic places, analyse spatial relationships and model spatial processes.
National Policy Statement for National Networks	NPSNN	The NPSNN sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects on the national road and rail networks in England. It provides planning guidance for promoters of Nationally Significant Infrastructure Projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Outline Landscape and Ecology Management Plan	oLEMP	A document which provides details on the delivery and management of the landscape and ecology elements identified in the Environmental Masterplan for the Project, including their success criteria.
Public Rights of Way	PRoW	A right possessed by the public to pass along routes over land at all times. Although the land may be owned by a private individual, the public may still gain access across that land along a specific route. The mode of transport allowed differs according to the type of Public Right of Way, which can consist of footpaths, bridleways and open and restricted byways.
Register of Environmental Actions and Commitments	REAC	The REAC identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice (Application Document 6.3, ES Appendix 2.2).
Site of Special Scientific Interest	SSSI	A conservation designation denoting an area of particular ecological or geological importance.
Walkers, cyclists and horse riders	WCH	Walkers, cyclists and horse riders

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