

National Infrastructure Planning

Sent by email only to:
LowerThamesCrossing@planninginspectorate.gov.uk

Your Ref: TR010032
Kent Downs AONB Unit Interested Party Ref: 20035310

31 October 2023

Dear Sir/Madam,

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

PROCEDURAL DEADLINE 6 SUBMISSION

Written submission of oral comments made incorporating additional comments and response to Action Point No 1, in respect Issue Specific Hearing 9 – Environment and Biodiversity, held on Monday 23rd October 2023.

Thank you for inviting the Kent Downs AONB Unit to speak at Issue Specific Hearing 9 and inviting a post event submission following attendance at the above hearing. Please find below the Kent Downs AONB Unit's written submission and additional comments following the Hearing.

3. Ancient Woodland Impact

3a Guidance and Methodology

i What guidance was/should be followed by the Applicant in relation to the location, form, quantity and extent of ancient woodland replacement? • Is this methodology agreed by Natural England and other relevant IPs?

The AONB Unit advised that it did not disagree with the biodiversity benefits associated with the proposed location of the AW replacement planting in the AONB in terms of ecological connectivity. We advised that we were concerned however that insufficient consideration had been given to the appropriateness of woodland planting on the landscape character on part of the proposed woodland planting site between Brewers and Great Crabbles Wood to the north of Park Pale (see Figure 1 below, where the area of concern is circled in red). This land retains its former historic parkland character, comprising gently undulating land that rises up to the north that incorporates individual mature specimen trees which positively contributes to the scenic beauty and landscape character of this part of the AONB. Notwithstanding the retention of some open areas within the proposed woodland planting, the overall parkland estate character would be lost given the extent of woodland planting proposed here, with the existing specimen trees, most of which are classified as 'Veteran' trees, subsumed into the wider woodland planting. The proposed planting as outlined in the Environmental Masterplan, Section 1, Sheets 2 and 4, [link](#) is provided in Figure 2 below.



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Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

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Figure 1 - Plate 5.3 Area of proposed ancient woodland compensation planting, land east of Brewers Wood (taken from OLEMP), with area of concern circled in red.

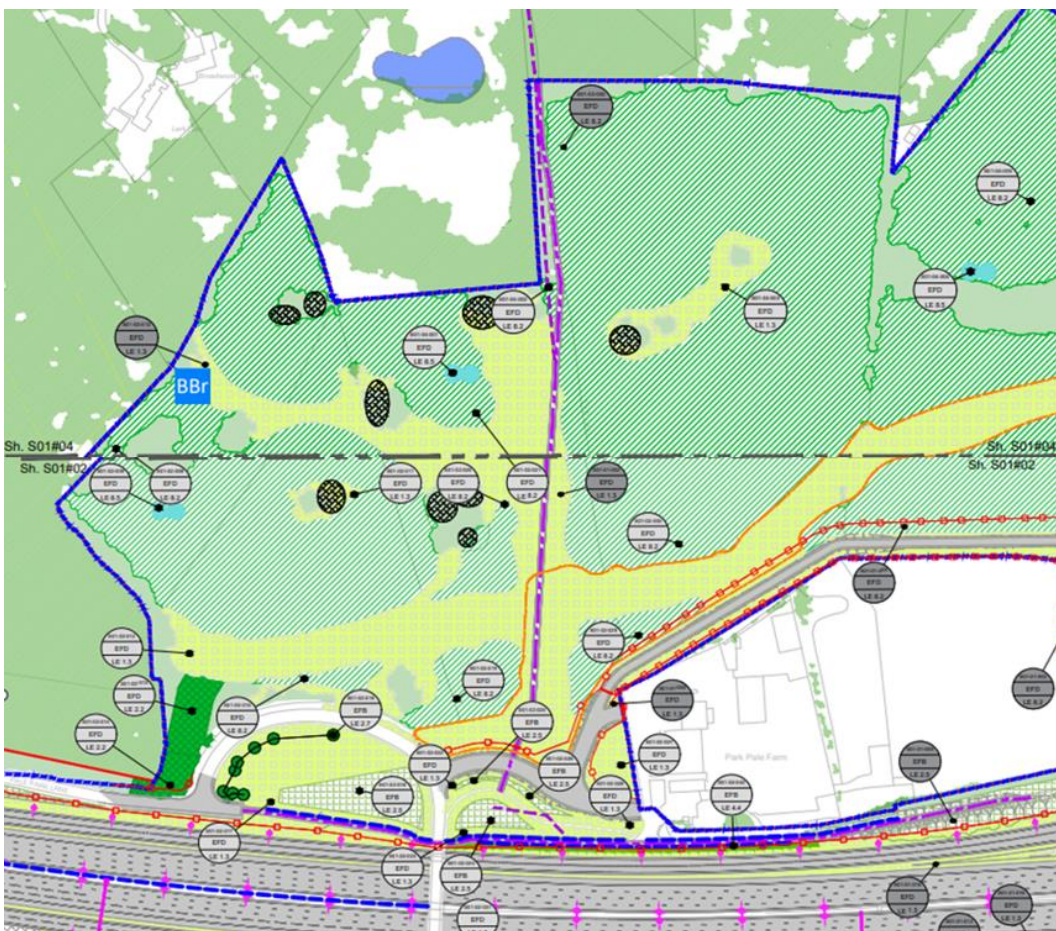


Figure 2 – showing ancient woodland compensation planting as proposed in the Environmental masterplan, Section 1, Sheets 2 and 4, [link](#)

In response, National Highways (Dr Emma Long) stated that landscape character had been taken into account in the design of the ancient woodland replacement planting in the vicinity of Park Pale, advising that it had been designed to 'maintain key views'. While the incorporation of key views is welcome and would allow views out to the south to the wider AONB landscape, including a view of the top of the historic Darnley Mausoleum in Cobham Park on the skyline, this does not overcome the issue of the proposed planting not retaining the existing historic parkland landscape character. Notwithstanding the incorporation of views out of the planted area, the existing important parkland

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landscape character of this part of the AONB would be lost within the proposal for woodland planting which we contend is inappropriate in this location.

A further point was added by Nick Johannsen, Director of the AONB Unit, that the proposals for replacement of Ancient Woodland appear to be based only on responding to the ecological properties of Ancient Woodland. However Ancient Woodland provides much more than just an ecological resource, important though this, and is also valuable for its historic, cultural and landscape importance.

Expanding on this, in response to Action Point 1 from the ISH, Section 7.10 of the Kent Downs AONB Management Plan ([link](#)) explains how ancient woodland contributes more than just an irreplaceable habitat to the natural beauty and of the AONB, stating that '*Ancient woodlands can also include physical evidence of former landscape management practices. The rich but sensitive ground flora of ancient woodlands – bluebells, wood anemones, ramsons and yellow archangel – and the bird song of warblers, nightingale and nightjar and the rare and beautiful butterflies, even the dank scents of rotting leaves in the winter are part of the natural beauty of the AONB. Much of the valued woodland wildlife, invertebrates, lichens and fungi, are associated with old trees, deadwood or open ground and are restricted to ancient woods and wood pasture. The ancient woodlands of the Kent Downs also preserve the evidence of thousands of years of human activity in earthworks, monuments and place names*'.

The Forestry Commission Practice Guide on *Managing ancient and native woodland in England* ([link](#)) also sets out that the importance of ancient and native woodland goes beyond their ecological value stating (page 7) that '*They are a vitally important component of the English landscape and every one has its own long and fascinating history.... Without even being visited they can still enhance the quality of people's everyday lives, providing a 'permanent, natural and peaceful' green element in busy local environments. Finally, the importance of the more subtle but vital environmental services they provide, such as flood alleviation, clean water supplies and carbon sequestration, is now increasingly being recognised and valued.*'

The joint 'standing advice' from Natural England and the Forestry Commission on ancient woodland, published in January 2022 ([link](#)), also sets out how its value goes beyond its ecological habitat value, advising that it is a natural asset important for:

- wildlife (which include rare and threatened species) -
- soils
- carbon capture and storage
- contributing to the seed bank and genetic diversity
- recreation, health and wellbeing
- cultural, historical and landscape value

It is therefore the view of the AONB Unit that National Highways has taken too narrow a view in considering the impacts of the loss of ancient woodland and in formulating its proposals for replacement/compensatory planting. It is also our view that these points further strengthen the case made by the AONB Unit and others for the need for Green Bridges across the A2 that are of a sufficient scale and appropriate design (as defined by relevant Natural England ([link](#)) and Landscape Institute's [link](#). Green Bridge guidance) to fulfill wider functions than just ecological connectivity.

In response to the question posed by the Inspectors at ISH 9 as to whether the amount of Ancient Woodland Compensation proposed was considered appropriate, we advised that notwithstanding the concerns we had raised regarding the location of some of the Ancient Woodland compensatory planting, the proposed quantum of planting proposed for that lost within the AONB was considered appropriate.

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A further question was raised by Mr Smith, Planning Inspector, as to whether the requirements included in the OLEMP ([Outline Landscape and Environmental Management Plan, Document 6.7, link](#)) in respect of Ancient Woodland compensation went far enough. The AONB Unit undertook to respond to this issue in its written submission.

The management requirements for the ancient woodland replacement planting east of Brewers Wood are set out at 5.3.4 of the OLEMP. If the principle of ancient woodland compensation planting is found acceptable in this location, then the AONB Unit considers the requirements set out in the OLEMP to be appropriate.

3b. Removal of Ancient Woodland and Veteran Trees

i NPSNN para 5.32 requires the Secretary of State to carefully consider loss and damage to ancient woodland and veteran trees.

• Can the Applicant provide clarification about loss/ harm minimisation at:

o The A2 /M2 /LTC intersection;

o The M25 /LTC intersection; and

o Other parts of the proposed alignment, work areas and compounds with woodland loss.

• The Applicant will be asked to explain why it was decided to undertake work affecting wooded areas/ veteran trees and not to realign, re-design, or substitute land use or construction techniques to protect the woodland/ veteran trees?

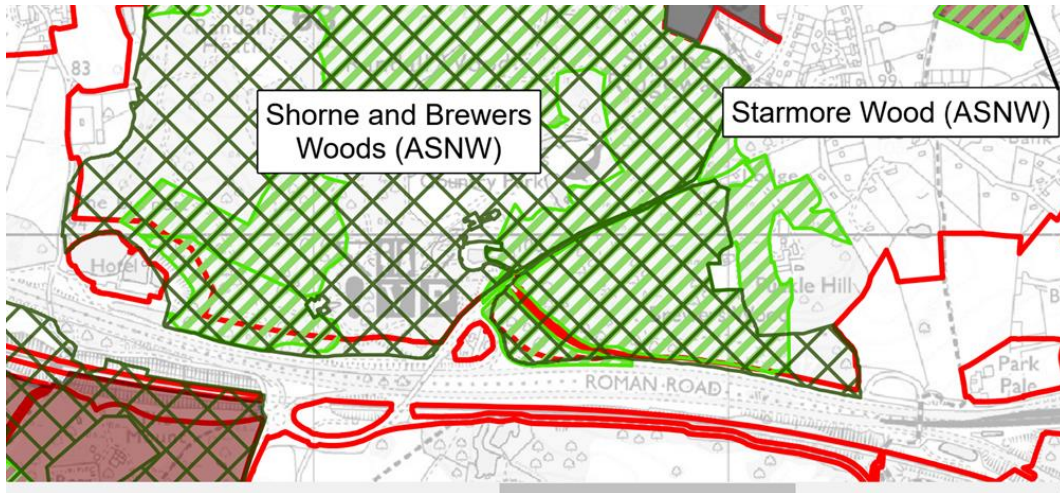
As an initial point, in responding to these questions, the AONB Unit clarifies that our comments made at the Hearing, and expanded upon below, are made on the basis that they relate to the route alignment presented in the DCO application, rather than in respect of route choice and availability of alternatives. We maintain our view, as set out in our original Written Response ([link](#)), that alternatives are available that would avoid the loss of ancient woodland to the south of the Thames.

The AONB Unit advised that the Project involves two areas of ancient woodland loss in the AONB, both of which are immediately north of the existing A2 carriageway:

- a. An area to the immediate east of The Inn on the Lake, part of Shorne Woods, proposed to be removed to accommodate the required gas pipe diversion. However, as can be seen in Figures 3, 4 and 5 below, the area of woodland that would be lost, extends well beyond the route of the diverted pipeline.

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 Ancient Woodland (ASNW)

Figure 3 - showing ancient woodland in the AONB (Taken from Figure 8.1, page 2 of 6, Doc 6.2 Environmental Statement Figures [link](#))




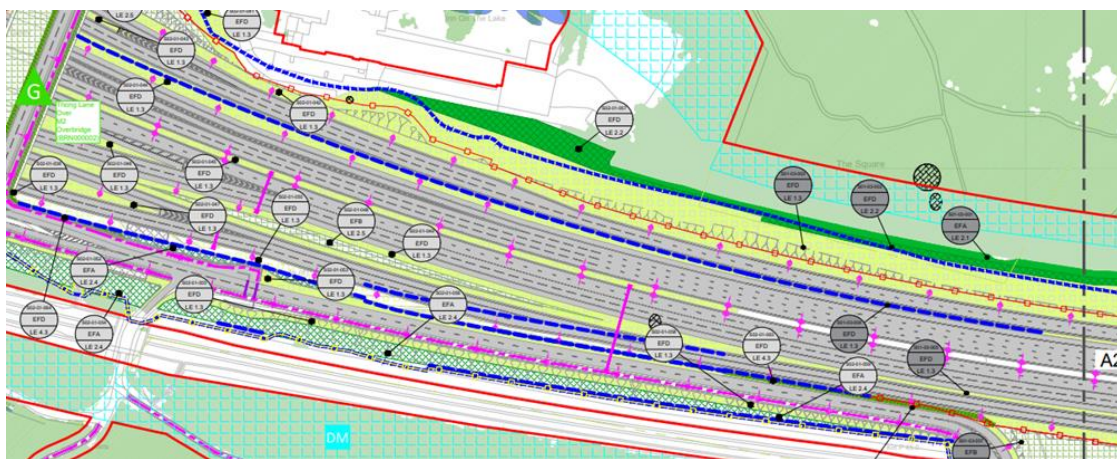
 Gas works Limits of Deviation

Figure 4 showing relocated gas pipe to north of the A2, hatched in orange (Taken from 2.6 Works Plans Volume B Utilities, sheet 4 [link](#))




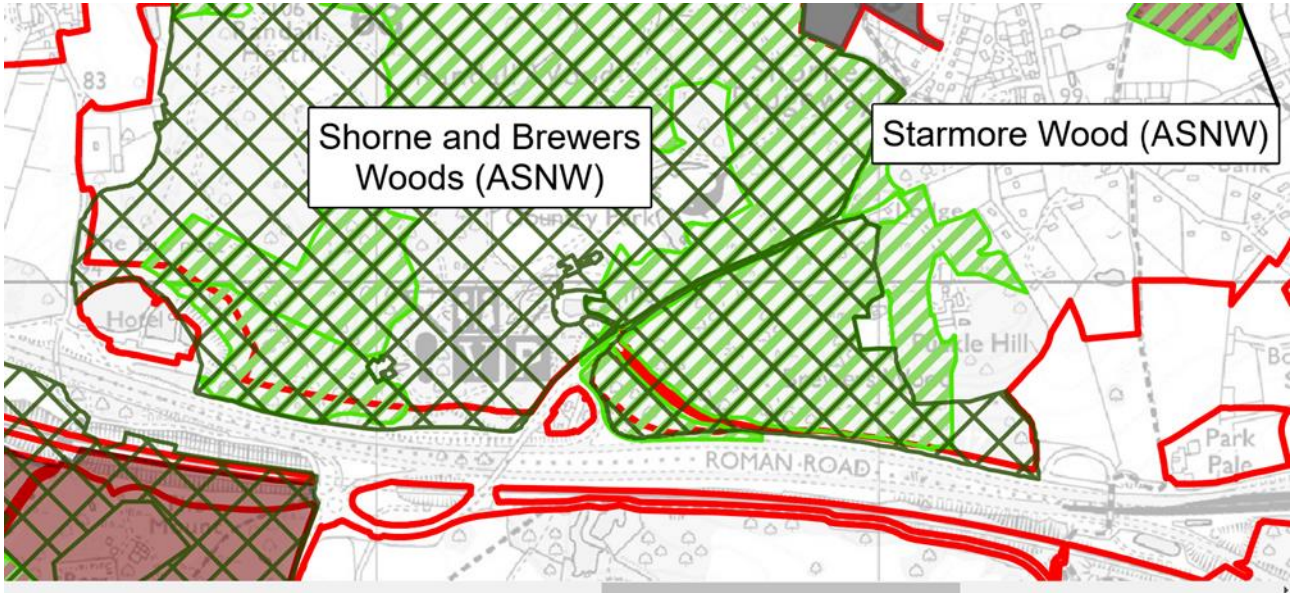
 LE 1.3 Species Rich Grassland

Figure 5 showing extent of ancient wood loss and proposed replacement grassland planting (taken from Environmental Masterplan, Section 2, Sheet 1 [link](#))

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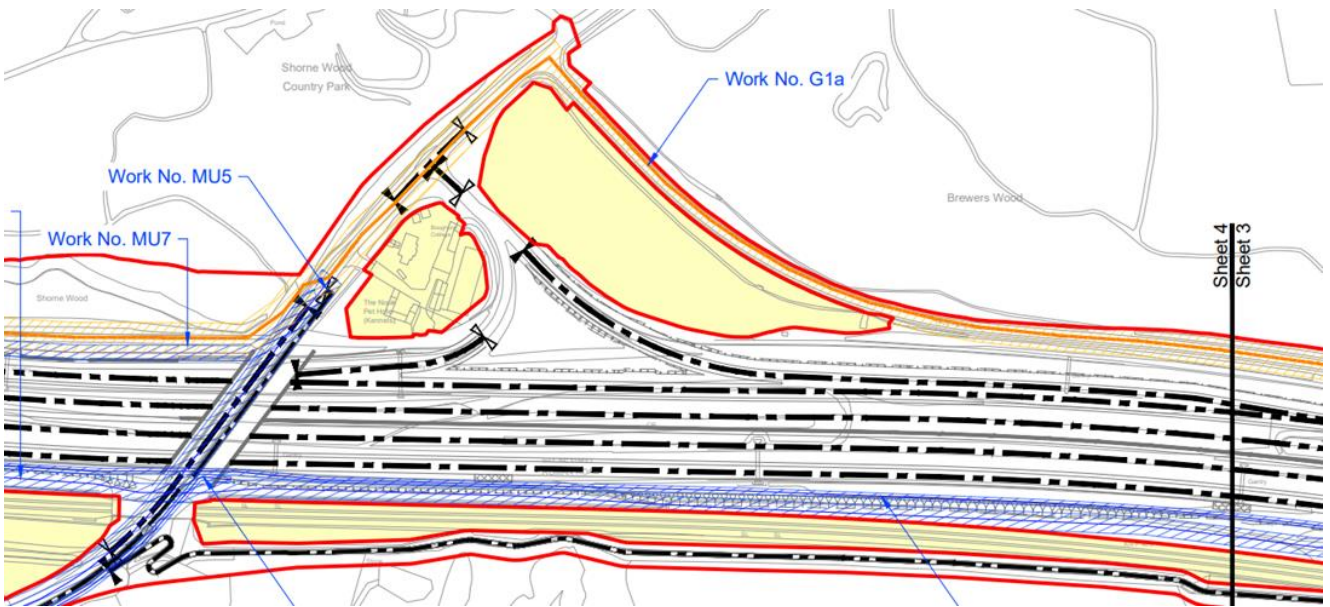
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b. An area to the east of The Nook Pet Hotel (labelled Broughurst Cottage on OS maps). In this location, amendments to the utilities diversions were made during the course of the design of the Project which have resulted in the route of the diverted gas pipe being proposed underneath Brewers Road and Park Pale Lane, rather than earlier iterations of the Project which proposed the gas pipe diversion continuing along the northern edge of the A2. However, this change has not appeared to have resulted in any significant reduction in loss of the ancient woodland in this location, with a wide band of removal still proposed in the highway locked triangle to the east of The Nook, as well as along the northern edge of the A2 east bound slip road from Brewers Road, as demonstrated in figures 6,7 and 8 below.



Legend: Ancient Woodland (ASNW)

Figure 6 showing ancient woodland (taken from Figure 8.1, page 2 of 6, Doc 6.2 Environmental Statement Figures [link](#))



Legend: Gas works Limits of Deviation

Figure 7 showing relocated gas pipe following Brewers Lane and A2 slip road, (From 2.6 Works Plans Volume B Utilities, sheet 4 [link](#))

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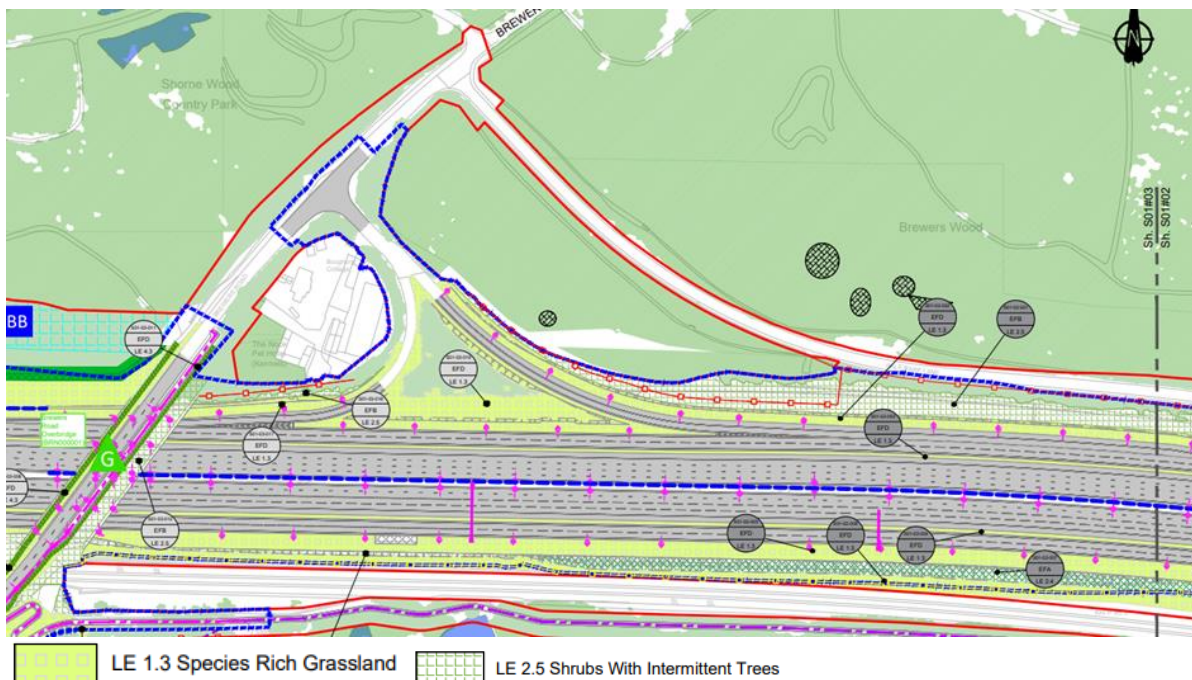


Figure 8 showing extent of ancient wood loss and proposed replacement grassland (taken from Environmental Masterplan Section 1, Sheet 3, [link](#))

At the Hearing, the AONB Unit set out that it maintained its position that attempts to minimise ancient woodland loss in these locations do not go far enough. We continue to consider, for example, that the potential to relocate the diverted gas pipe under the existing highway network to the north (such as along Thong Lane, the A266 and/or Shorne-Ifield Lane) has been dismissed too readily.

We went on to advise that the proposed replacement landscaping treatment of both the areas of ancient woodland loss in the AONB was also of concern. This predominantly comprises ‘Species rich grassland’ and ‘Shrubs interspersed with trees’ (as can be seen in figures 5 and 8 above). It is our view that where there is woodland loss, providing there are no wayleave requirements, replacement woodland should be provided to retain the current wooded character and enclosed nature of the A2 and its integration within the landscape as far as possible.

We also made the point that incorporating as much replacement woodland planting as possible is all the more important in view of the fact the proposal involves loss of mitigation tree planting put in for both HS1 and previous works to the A2 on the south side of the A2, which have also involved the removal of significant tracts of woodland, including long-established semi-natural woodland at Ashenbank Woods SSSI.

The importance of woodland to the character of this part of the Kent Downs AONB cannot be overstated. This is reflected in the various local landscape character assessments which cover the area, including the Landscape Character Assessment Update 2020 for the Kent Downs AONB ([link](#)) where, in respect of the local area around the Project site, it is stated (at 2.2.10) ‘*The local character area of Shorne has been severed from the more extensive landscape of similar character to the south by the A2 road corridor.....The extent of woodland is the key distinguishing feature, in combination with the ridge landform*’, and (at paragraph 2.2.11), ‘*The area contains Ancient Woodland, which contain several notable and veteran trees and generate a strong sense of enclosure*’.

We also advised that the importance of the wooded character and ancient woodland in this part of the AONB is elevated by the specific inclusion of the land north of the A2 within the AONB

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boundary; the AONB only extends north of the A2 in this location, elsewhere it is the A2/M2 that defines the northern boundary. When the designation and boundary was being considered, although a case was made by Kent County Council for the boundary to include a margin beyond the A2/M2 to the north along the entire boundary, it was only the small area around Shorne that was subsequently included within the AONB, specifically because of its woodland character.

7. Hole Farm Community Woodland

a Habitat Creation

Extensive open space and habitat creation is proposed at Hole Farm.

- **Which elements are required as mitigation or compensation for the Lower Thames Crossing and which elements are to meet the needs of the National Highways more general Environment Strategy?**
 - **What is the current status of the planning application for the Hole Farm project ?**
 - **How will the expected programme of works at Hole Farm tie into the Lower Thames Crossing proposals?**
 - **Is the Hole Farm project contingent on the granting of development consent for the Lower Thames Crossing**
 - **Are community woodland creation (including recreational public access) and habitat creation objectives at Hole Farm compatible?**
- How can compatibility be maximised?**

In responding to these issues, Mr Henderson, for National Highways, confirmed that National Highway's submission at D4, contained within 9.103 ISH6 Action 6 and 7 Hole Farm ([link](#)), sets out that the proposals at Hole Farm include:

- 26ha Ancient Woodland compensation;
- 75ha Nitrogen deposition compensation; and
- 2.9 ha replacement special category land.

He went on to advise that none of these elements are claimed as part of any wider environmental benefits of National Highway's general Environment Strategy and that the land was purchased in 2021. In this document it is stated that the land was purchased to provide community woodland as part of a legacy and benefit function (as opposed to compensation) and when purchased, **its benefits were not claimed against any other consent or approval**. It was subsequently 'reappropriated' to provide the above compensatory and replacement land functions for the LTC project. It was also confirmed that planting commenced in 2022 and that community woodland will be provided on this site regardless of the outcome of the DCO application for the Lower Thames Crossing, although if the LTC were not to proceed, the requirements of the oLEMP ([Doc 6.7, link](#)) would fall away, so the planting could take a different form from that proposed as part of the DCO application as compensatory planting.

This clarification does not alleviate the concerns previously expressed by the AONB Unit at ISH 6 (and confirmed in our post event submission, [link](#)) that provision of compensation for the impacts of Nitrogen deposition arising at sites in the Kent Downs AONB at Hole Farm is inappropriate.

Firstly, there is a matter of principle as to whether any provision at Hole Farm can appropriately be regarded as compensatory given that, as outlined in National Highways response above, the site has already been purchased and the land will be delivered as community forest regardless of whether the Lower Thames Crossing proceeds. Given this fact and in view of the site being purchased with funds not related to the Lower Thames Crossing DCO, we cannot see how it can be appropriately counted as compensation for this Project. A further related point is that if the cost

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of providing necessary compensation is covered outside of the cost envelope of the scheme, then the cost/benefit analysis of the scheme is, we would contend, inappropriately altered.

However, of more direct relevance to the AONB is the point previously made by the AONB Unit and discussed at ISH6, that provision of Nitrogen deposition compensation at Hole Farm would not compensate for identified harm arising to designated sites within the Kent Downs AONB. At ISH 6, the applicant agreed that the nitrogen deposition compensation should be provided as close to the impact as possible. Hole Farm is near Brentwood at the northern most extreme of the scheme, while the majority of the harm arising from nitrogen deposition is on designated SAC/ SSSI woodland in the Kent Downs, at the southern extreme of the scheme. Providing compensation habitat here cannot, in our view, compensate for the impacts on the internationally important wildlife sites in Kent.

We hope that these comments are helpful and clear but would be happy to provide further information if requested.

Yours faithfully

A black rectangular redaction box covering the signature of Katie Miller.

Katie Miller, MRTPI
Planning Manager, Kent Downs AONB Unit

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