

**Gravesham Borough Council**

**PHS Issue Specific Hearing 9 (23 October 2023) – (ISH9) on Environment & Biodiversity**

| Examining Authority's Agenda Item / Question  | Response    | References |
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| <b>Ancient Woodland Impact</b>  |             |            |
| <b>a) Guidance and Methodology</b>  |             |            |
| <p><b>i. What guidance was/should be followed by the Applicant in relation to the location, form, quantity and extent of ancient woodland replacement?</b></p> <ul style="list-style-type: none"> <li>• <b>Is this methodology agreed by Natural England and other relevant IPs?</b></li> </ul>   | No comments |            |
| <p><b>ii. Are the criteria used to determine whether a tree or woodland is classed as veteran or ancient employed for the project sufficiently clear and robust?</b></p>  | No comments |            |
| <p><b>iii. Have physical surveys of woodland have been completed to show the full extent of affected habitat and has the level of importance assigned to trees been based on an agreed methodology with Natural England and other stakeholders?</b></p> <ul style="list-style-type: none"> <li>• <b>Natural England has suggested using CIEEM good practice guidance. Is this approach justified and what additional work might be required?</b></li> </ul> |             |            |

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| <p><b>iv. Possible means to improve the clarity of mapping and documentation on the location and size/ extent of ancient woodland will be discussed.</b></p>   | <p>Agreed this would be helpful to meet points raised our PADS on understanding what is being lost, and what the compensation is.</p>   |  |
| <p><b>v. How will lost ancient woodland be replaced, taking the following issues into account:</b></p> <ul style="list-style-type: none"> <li>• <b>the location(s) of source soil supplies;</b></li> <li>• <b>the benefits of translocating soils;</b></li> <li>• <b>how success will be monitored;</b></li> <li>• <b>how any deficiencies in outcomes will be addressed?</b></li> </ul> | <p>This section follows up on the points made by GBC at the hearing and also responds to the ExQ2 question 1 so far as it relates to the location and wider cultural implications of the strategy for compensation for loss of ancient woodland.</p> <p>As highlighted at ISH6 and in its LIR, GBC's concern is how the ancient woodland compensation works within the scheme as a whole in the absence of an agreed landscape scale strategy for LTC. GBC is not persuaded that the Applicant's selection of sites for compensatory woodland planting to offset the loss of areas of ancient woodland has been sufficiently informed across all environmental disciplines to ensure that the sites chosen are suitable in overall terms, when regard is had not just to the opportunities to establish new areas of woodland planting but also to the landscape, biodiversity, and cultural heritage (above and below ground) implications of that new planting.</p> <p>Furthermore, insofar as the Applicant relies on the stripping of topsoil at the chosen compensation sites, so as to allow for the re-use of topsoil taken from the areas of ancient woodland loss (which in principle GBC accepts as a sensible measure to minimise the loss of the ancient woodland resource so far as reflected in its soils), GBC requested to be pointed to where in the Applicant's material there is a cultural heritage assessment of the potential for any of the chosen compensation sites to contain below ground archaeology that would be at risk from such an exercise. GBC has not to date been able to identify any</p> | <p>Local Impact Report: <a href="#">[REP 1-228]</a><br/>paras 8.38 to 8.40</p> |

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|  | <p>such assessment, which if unaddressed tends to reinforce its concerns about the lack of a strategic or landscape-scale approach to the provision of the compensation sites.</p> <p>In answer to a question from the ExA, GBC confirmed that its concern was not with the quantum of the compensatory provision proposed for the loss of ancient woodland but with the locational choices for that compensatory provision and the absence of demonstration that it was in the right place when regard was had to all environmental disciplines. GBC also confirmed that it did not consider that this issue (the rationale for the site selections) was explained in the OLEMP [REP4-140] but it was not otherwise criticising the OLEMP as regards the ancient woodland compensation.</p> <p><b>Matter for adjudication</b><br/>Given that GBC's ask here is for the Applicant to provide the cross-discipline information formation at the pre-consent stage, the failure of the Applicant to do so becomes a matter which GBC requests the ExA to take into account in the overall planning balance. GBC has made this point not just in relation to compensatory planting for ancient woodland, but in relation to all mitigation planting and compensatory planting</p> <p>An alternative would be for a further REAC commitment along the following lines:</p> <p>"In finalising the location of landscape planting, compensatory ancient woodland planting and soil translocation during and/or before the detailed design, the undertaker shall undertake, in consultation with the local planning authority, a comprehensive review of the proposed location of that planting taking into account its landscape, biodiversity, and</p> | <p>Outline Landscape and Ecology Management Plan [REP4-140]</p> |
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|   |  | cultural heritage (above and below ground) implications. The undertaker will implement any conclusions of that review.” |  |
| vi.   | <p><b>How effectively can equivalently biodiverse replacement habitat be provided and in what timescale?</b></p> <ul style="list-style-type: none"> <li>• <b>Do relevant IPs agree that the measures proposed by the Applicant are appropriate and have a reasonable prospect of success?</b></li> </ul>   |   |  |
| <b>b) Removal of Ancient Woodland and Veteran Trees</b> |  |   |  |
| i.  | <p><b>NPSNN para 5.32 requires the Secretary of State to carefully consider loss and damage to ancient woodland and veteran trees.</b></p> <ul style="list-style-type: none"> <li>• <b>Can the Applicant provide clarification about loss/ harm minimisation at:</b> <ul style="list-style-type: none"> <li>○ <b>The A2 /M2 /LTC intersection;</b></li> <li>○ <b>The M25 /LTC intersection; and</b></li> <li>○ <b>Other parts of the proposed alignment, work areas and compounds with woodland loss.</b></li> </ul> </li> <li>• <b>The Applicant will be asked to explain why it was decided to undertake work affecting wooded areas/ veteran trees and not to re-align, re-design, or substitute land use or construction techniques to protect the woodland/ veteran trees?</b></li> </ul> |   |  |

| <b>'The Wilderness'</b>  |             |  |
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| <b>a) 'The Wilderness'</b>   |             |  |
| <p><b>i. There is disagreement over whether 'The Wilderness' (woodland located near The Grove, North Road, North Ockenden) should be regarded as ancient woodland subject to the policy set out in NNNPS paragraph 5.32.</b></p> <ul style="list-style-type: none"> <li>• <b>What is Natural England's current position?</b></li> <li>• <b>The Applicant and relevant IPs will be asked to confirm their position and highlight evidence to support their assessment.</b></li> </ul> | No comments |  |
| <p><b>ii. A retaining wall is proposed to the south of this area, apparently to limit the extent of woodland loss.</b></p> <ul style="list-style-type: none"> <li>• <b>Will this meaningfully limit effects on the woodland during construction and operation?</b></li> </ul>  | No comments |  |
| <p><b>iii. At Accompanied Site Inspection 2 (ASI2) on 13 September 2023, the ExA was shown two watercourses within the area that also serviced ponds.</b></p> <ul style="list-style-type: none"> <li>• <b>What measures are expected to be required to prevent the loss of the waterside and water-based habitat during works in 'The Wilderness'?</b></li> <li>• <b>Are those measures in place and are they adequate?</b></li> </ul>   | No comments |  |
| <b>Shorne Woods SSSI Impact</b>  |             |  |

| a) Shorne Woods SSSI  |   |   |
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| <p>i. <b>Concerns have been raised that recreational facilities proposed at the Shorne Woods Country Park could have a negative effect on the SSSI.</b></p> <ul style="list-style-type: none"> <li>• <b>Have the effects of the proposed facilities been assessed within the submitted documentation?</b></li> <li>• <b>Are the effects considered appropriate and to have been appropriately mitigated?</b></li> </ul> | <p>GBC is concerned at the provision of the new car park which (in part) is intended to serve the Shorne Woods Country Park. Whilst GBC defers to Natural England as regards any impacts on the SSSI, GBC also is concerned that the new car park, and especially any facilities that were provided in conjunction with it (or consequential upon it) would have adverse effects on the Green Belt in this location.</p> <p>GBC also sought clarification as to whether what had been assessed in the ES Addendum [REP5-062] was a kiosk (as described at para A.3.4) or a café (as referred to orally at the hearing) and was grateful to have it confirmed that the assessment related to a kiosk and not to a café. However, GBC's concerns remain about the unjustified impact of any such facilities.</p> <p><b>Matter for adjudication</b></p> <p>GBC put forward an amendment at D4 in its comprehensive list of proposed amendments to the DCO, the effect of which would remove the car park and access road from the list of works in Schedule 1 to the DCO [REP4-302], amendment no. 11.</p> | <p>ES Addendum <a href="#">[REP5-062]</a></p> <p>GBC List of Proposed DCO Amendments <a href="#">[REP4-302]</a></p> |
| <p>ii. <b>Can Natural England and the Applicant confirm that the disputed boundary of the SSSI has been resolved and that all data relevant to an assessment in this location have also been provided in documents available to the Examination?</b></p>  | <p>This was a minor mistake when the boundary was digitised due to the loss of ground features following the construction of HS1</p>  |   |
| <p>iii. <b>Does the Applicant or any other relevant stakeholder/ land manager anticipate any further refinement of</b></p>  | <p>This section follows up on the points made by GBC at the hearing and also responds to the ExQ2 question 20 (seeking a</p>  |   |

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| <p><b>the use of SSSI during the detailed design stage?</b></p>  | <p>written response to the in relation to the detailed design stage and Shorne Wood SSSI).</p> <p>GBC is concerned about the treatment of the open mosaic grassland element of the SSSI compensation on the currently open parcel of land to the east of Thong Lane that relates to the homes for heroes, the 1920s dwellings. GBC considers that that open land currently makes a positive contribution both to those buildings and to the setting of the Thong Conservation Area and that that contribution would be diminished by the proposed treatment, especially as regards the inclusion of scrub vegetation and similar treatments which are redolent of what might be expected on a regenerating brownfield site. GBC's concerns are spelt out in more detail on pp.3.39-40 of its Cultural Heritage Appendix for the LIR [<a href="#">REP1-232</a>].</p> <p><b>Matter for adjudication</b></p> <p>This is a similar point to that raised at agenda item 3(a)(v) and GBC's proposed remedies apply equally here.</p> |  |
| <p><b>Coalhouse Fort</b></p>   |  |  |
| <p><b>a) Habitat Provision</b></p>   |  |  |
| <p>i. <b>As part of the mitigation for the loss of land used by species associated with the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site, it is proposed to provide alternative land at Coalhouse Fort.</b></p> <ul style="list-style-type: none"> <li><b>What measures are proposed to reduce the potential effect to the existing species that utilise the existing non-designated habitat in the area?</b></li> </ul> | <p>No comments</p>   |  |

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| <ul style="list-style-type: none"> <li>• <b>Wetland habitat creation is proposed in an area that currently appears to be rough grassland. Is it possible that one 'important' habitat is being replaced by another?</b></li> </ul>   |  |  |
| <ul style="list-style-type: none"> <li>ii. <b>Are there locations where the loss of one valued habitat to facilitate the creation or replacement of another are suggested to arise? (Note in this context, the loss of cultivated agricultural land is not under consideration.)</b></li> </ul>  | No comments  |  |
| <b>Hole Farm Community Woodland</b>  |  |  |
| <b>a) Habitat Creation</b>   |  |  |
| <ul style="list-style-type: none"> <li>i. <b>Extensive open space and habitat creation is proposed at Hole Farm 1.</b></li> <li>• <b>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?</b></li> <li>• <b>What is the current status of the planning application for the Hole Farm project 2?</b></li> <li>• <b>How will the expected programme of works at Hole Farm tie into the Lower Thames Crossing proposals?</b></li> <li>• <b>Is the Hole Farm project contingent on the granting of development consent for the Lower Thames Crossing 2.</b></li> <li>• <b>Are community woodland creation (including recreational public access) and habitat creation objectives at Hole Farm compatible? How can compatibility be maximised?</b></li> </ul> | <p>No comments other than to note that where this related to Nitrogen deposition compensation this is not relevant to impacts south of the River Thames.</p> |  |



**Water Framework Directive**

**a) Culverting and Water Framework Directive (WFD)**

**i. Culverts are proposed. The ExA wishes to explore the degree to which the length and design of these will adequately respond to the maintained or improved natural systems and biodiversity function of the affected watercourses**

- The Environment Agency (EA) has stated that it has “a formal policy against culverting of any watercourse because of the adverse ecological, flood risk, geomorphological, human safety and aesthetic impacts”. [REP1-255]**
- EA has suggested that the proposed culverting could damage the prospect of some water bodies obtaining the appropriate status under the WFD and be contrary to Thames River Basin Management Plan (RBMP) objectives.**

**The ExA seeks confirmation from the EA that this continues to be their position and seeks input to inform a recommendation on this point to the Secretary of State, should it remain in dispute between the Applicant and the EA.**

- What specific WFD and RBMP objectives and progress would be impeded by the culvert designs that are currently proposed?**

GBC in Green Belt comments ([REP4-291](#) see p.31 (pdf) ), noted that there appeared to be an issue with a culvert related to HS1. Essentially there is a dry valley running down from Jeskyns and provision needs to be made for any overland flow in wet conditions. Matter for NH to resolved with HS1 but provision needs logically to be made.

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| <ul style="list-style-type: none"><li>• <b>Whether any design amendments to culverting can be developed to address these concerns and; if not</b></li><li>• <b>What justification does that Applicant advance for the retention of its current design approach to culverting?</b></li></ul> |  |  |
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