



DEADLINE 7 RESPONSE
KENT DOWNS AONB RESPONSE TO
National Highways Deadline 6 Submission

**9.132 Post-event submissions, including written submission of oral
comments, for ISH9**

Interested party Ref no: 20035310

The Kent Downs AONB Unit raises the following points in response to the Applicant's submission:

Paras 3.1.25 and 3.1.6. Here, it is advised that the 'overarching objective in terms of ancient woodland compensation planting has been to create new areas of high-quality woodland habitat which act to join up existing retained woodland habitats'. While the AONB Unit supports such an objective, as expressed in our own submission, the proposed woodland compensation appears to fail to respond to the other recognised and well documented qualities that Ancient Woodland provides.

Para. 3.2.3 b. It is advised that '*by aligning the gas main diversion under Park Pale and the existing footpath, the Applicant has removed the impact on Shorne/Brewers Wood north of Park Pale on the section east of Brewers Road, noting that there is a small section of ancient woodland on the junction which is marginally affected*'. We would comment that this isn't reflected in the Submission documents - see the AONB Unit's response to National Highways Deadline 6 Submission - 9.157 Kent Downs AONB and Utilities Works -where various plans submitted in support of the Application still indicate Ancient Woodland removal on land to the immediate north of the A2 eastbound on slip from Brewers Road and the southern part of the land locked triangle to the east of The Nook Pet Hotel (Broughurst Cottage).

Para 3.2.7 Here it is advised that the tree removal and retention plan is provided at Figure 7.24 [REP1-151 [link](#)]. As raised in the AONB Unit's response to National Highways Deadline 6 Submission - 9.157 Kent Downs AONB and Utilities Works, this plan does not appear to correspond with tree removal shown on other submitted Plans, such as Figure 8.33 Ancient

Woodland Impacts, Page 2 of 6 (Doc 6.2 Environmental Statement, [link](#)) and the Environmental Masterplan Section 1, Sheet 3, ([link](#)).

Para 7.1.10 refers (in relation to using Hole Farm for Nitrogen Deposition Compensation) to a compulsory acquisition principle set out in case law which directs acquiring authorities to look to any suitable land within its ownership before seeking to acquire any third party land compulsorily (Brown v Secretary of State for the Environment (1978) P. & C.R. 285, which was approved in Evelyn de Rothschild v Secretary of State for Transport [1989] 1 All E.R. 933).

Paragraph 291 of the Judgement states:

'If, in fact, the acquiring authority is itself in possession of other suitable land – other land that is wholly suitable for that purpose – then it seems to me that no reasonable Secretary of State faced with that fact could come to the conclusion that it was necessary for the authority to acquire other land compulsorily for precisely the same purpose' (our emphasis).

The AONB Unit maintains its position that providing compensation in Essex, some considerable distance from the sites that are identified to be affected by Nitrogen Deposition, does not represent a suitable compensation strategy and therefore we would contend that the land at Hole Farm is 'not wholly suitable for that purpose' and therefore the principle does not apply.

ANNEX A Post-hearing submissions

Agenda Item 3 Ancient Woodland Impact

The applicant advises that their response to the AONB Unit's concerns that Ancient Woodland compensation planting north of Park Pale is not in keeping with landscape character is provided in their Comments on WRs Appendix A: Statutory Environmental Bodies [[REP2-046](#)]. Here, it is advised that this matter is addressed as the Design Principles include several clauses requiring that the detailed Project design be reflective of the landscape character of the Kent Downs AONB and that there is a principle that requires the design of this woodland to retain key views.

This response wholly fails to recognise or respond to the AONB Unit's concern that, notwithstanding requirements for key views to be retained and planting to be reflective of landscape character, the extent of woodland proposed here would fail to reflect, and indeed would largely remove, the existing retained localised historic 'parkland' landscape character as the features that characterise the land as such would be mainly subsumed within the proposed woodland planting. We note that elsewhere in the Scheme where there is historic parkland character this is sought to be retained, such as on land to the south of HS1 where it is advised in Table 3.3 Schedule of landscape effects on LLCAs during operation in 6.3 Environmental Statement - Appendix 7.9 (APP-384 [link](#)), 'A key consideration for proposed planting mitigation has been to reflect the parkland character of this LLCA, using scattered tree planting to reinstate trees removed during construction.'

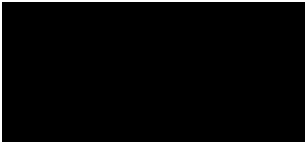
A.6 Hearing Action Point 6: Utilities Plan

It is advised at A.6.2 that the Applicant has produced a new drawing showing Kent Downs Area of Outstanding Natural Beauty and Ancient Woodland in Shorne Woods Country Park area and this is shown in Kent Downs AONB and Utilities Works [Document Reference 9.157].

As set out in our response to National Highways Deadline 6 Submission - 9.157 Kent Downs AONB and Utilities Works, the drawing fails to serve its intended purpose as it does not illustrate the proposed removal of any of the Ancient Woodland within the AONB.

A.7 Hearing Action Point 7: Ancient Woodland and Utility Alignments

The Applicant's response fails to address the area of concern raised by the Kent Downs AONB Unit at ISH 9 which is in respect of the Ancient Woodland on land to the immediate north of the current A2 eastbound on slip from Brewers Road and the southern part of the land locked triangle to the east of The Nook Pet Hotel (Broughurst Cottage), on land that is no longer affected by Utilities works, as a result of changes to the route of these, as set out in our response to National Highways Deadline 6 Submission - 9.157 Kent Downs AONB and Utilities Works. Instead, the Applicant's response is in relation to Work Area No G1a, adjacent to Park Pale.



Katie Miller

Planning Manager, Kent Downs AONB Unit

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