

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

**Issue Specific Hearing 11 (ISH11)**

Environmental Issues

**Date:** Wednesday 22 November 2023

**Venue:** Hilton London, Tower Bridge Hotel, 5 More London Place, London SE1 2BY & MS Teams

**Note Next Deadline:** D8 – 5 December

**Action Points**

No	Party	Action	Deadline
1	Applicant	<p><b>The Levelling-up and Regeneration Act 2023 (LURA) - section 245 (5) &amp; (6)(a)</b>            Section 245 (5) &amp; (6)(a) of LURA, will amend the Countryside and Rights of Way Act 2000 in respect of the “general duty” imposed on Public Bodies dealing with functions in an AONB. Please provide a commentary on the effect of this for the Development and the assessments which have been submitted.</p> <p>In addition, provide a view as to the effect of the new “general duty” on the policy framework in the NNNPS (paragraphs 5.150 - 5.153). In particular, please consider the use of the wording “where possible” in the Policy and “must seek” in LURA. Please set out reasons for conclusions that the amended “general duty” does or does not affect the application of policy.</p> <p>Other IPs may respond by D9.</p>	D8
2	Applicant	<p><b>Local Landscape Character Area boundaries</b>            Provide clarity as to any adjustments which were made to Local Landscape Character Area/ Sub Area boundaries in respect of the assessments prepared for the 2020 Application and the current application. If any changes were made in 2020 and/or 2023, please set out detailed reasons for this.</p>	D8

No	Party	Action	Deadline
3	Applicant	<p><b>Assessment of significance – AONB character areas</b>  Provide more information on the design re-evaluation/assessment of significance in respect of the changes made between the 2020 application and the current application. Please specify the design changes and how these informed the re-grading of the impact of the scheme.</p>	D8
4	Applicant	<p><b>Kent Downs AONB landscape impact assessments</b>  On a without prejudice basis, provide an assessment using the published Kent Downs AONB Unit landscape character area/sub areas boundaries in addition to the assessment already provided by the Applicant using adjusted boundaries.</p> <p>In addition, you may provide a commentary with reasoning setting out whether or not you consider that this alternative assessment could/should be adopted by the ExA.</p> <p>Other IPs can respond at D9.</p>	D8
5	Gravesham Borough Council	<p><b>Design Principles – Green Bridges</b>  Gravesham Borough Council to provide alternative/ additional wording for the design principles (including Principle STR.08) which, in its view, would better ensure robust/ ambitious landscape connectivity would be achieved from the Green Bridges.</p> <p>The Applicant can respond at D9.</p>	D8

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6	Applicant and Natural England	<p><b>Photomontages of Green Bridges within the Kent Downs AONB</b></p> <p>Applicant and Natural England to discuss the possibility of the Applicant providing additional photomontages/representative viewpoints showing the Green Bridges as they would be seen from wider the landscape. To include the consideration of whether ‘side-on’ perspectives also ought to be provided.</p> <p>Applicant to provide an update at D8 and, if additional photomontages are to be provided, the Applicant to provide these at D9.</p> <p>Natural England, and other IPs, can then provide final comments at D10.</p>	D8 & D9
7	Applicant	<p><b>Width of the Green Bridges</b></p> <p>Please provide a supplement to the response at <a href="#">[REP4-182]</a>, giving a commentary as to the feasibility of any scope to widen the Green Bridges which would not significantly alter the linear extent of the structures.</p>	D8
8	Kent County Council, Gravesham Borough Council, Thurrock Council, Natural England, Kent AONB Unit	<p><b>Landscape and Visual conclusions</b></p> <p>Provide a summary of your respective positions on the Applicant’s conclusions within Chapter 7, Landscape and Visual of the ES <a href="#">[APP-145]</a> paragraph 7.9.22.</p>	D8
9	Natural England	<p><b>Coalhouse Point inlet</b></p> <p>Provide comments on Agenda Item 4ii in respect of the proposed hydrological changes and any associated effect on the intended ecological environment.</p>	D8
10	Applicant & Environment Agency	<p><b>Star Dam – Compulsory Acquisition matters</b></p> <p>Provide commentary in respect of the distribution of temporary possession/permanent acquisition at Star Dam. In addition, provide details of the future maintenance of the structure, for example will the Environment Agency continue to retain maintenance responsibility for the structure and retain appropriate access for such a purpose.</p>	D8

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11	Applicant	<p><b>Coalhouse Fort – Compulsory Acquisition matters</b></p> <p>On the understanding that the wetland mitigation provision at Coalhouse Fort is provided as part of the Preliminary Works, what would the Applicant’s position be should the Main Works for the development not subsequently proceed for currently unforeseen reasons. Could/would the land be returned to its previous condition and offered to be returned to the landowner, or would it be retained by the Applicant and be a matter for compensation.</p> <p>Mr Holland (on behalf of the Mott family) may respond at D9.</p>	D8
12	Applicant	<p><b>Coalhouse Fort – Provision of wetland mitigation</b></p> <p>Provide an update as to whether the time window given in the REAC for the early provision of the wetland mitigation could/should be given greater prominence.</p> <p>Natural England, Thurrock Council and other IPs, may respond at D9.</p>	D8
13	Applicant	<p><b>Coalhouse Point – Potential land contamination following any future flood event</b></p> <p>Provide further written comments on flood risk and possible associated contamination on the proposed wetland mitigation land and adjacent third-party land particularly following a flood event or similar.</p> <p>Mr Holland (on behalf of the Mott family) may wish to respond at D9.</p>	D8
14	Gravesham Borough Council and Kent County Council	<p><b>Nitrogen Deposition</b></p> <p>Following the consideration of the Applicant’s D7 submissions, provide comments in respect of Agenda Item 5.a) i including whether these have resolved previous concerns (including those raised by GBC).</p>	D8

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15	Kent Downs AONB Unit	<p><b>Nitrogen deposition compensation sites and related landscape impact on the Kent Downs AONB</b></p> <p>Provide a written summary of matters raised in respect of the sites for nitrogen deposition compensation in your post hearing summary. In doing so, please also provide written comments on whether potential additional nitrogen deposition compensation within/close to the Kent Downs AONB could alter, either negatively or positively, the current landscape character and quality of the AONB.</p> <p>In relation to submissions on the extent of land required for nitrogen deposition compensation, please identify whether reinstatement of the Applicant's application proposals (subsequently excluded) for sites at Bluebell Hill and Burham would represent satisfactory provision in terms of extent, location and landscape effects in your view? If not, in your view how should this issue be managed differently?</p>	D8
16	Applicant	<p><b>Nitrogen deposition compensation – spatial relationship between impact and compensation</b></p> <p>Submit details (including diagrammatical representations) indicating where nitrogen deposition compensation for each of the 4 clusters are proposed to be provided in comparison the relevant geographical locations of the impact that is sought to be mitigated.</p>	D8
17	Natural England	<p><b>Nitrogen deposition compensation – spatial balance</b></p> <p>Do the nitrogen deposition compensation sites proposed by the Applicant adequately compensate for the relevant impacts (based on the proposition that the harm should be compensated as close to the affected designated sites). Please include commentary on the north/south of the river split.</p>	D8
18	Natural England (and other IPs commenting on the RIES)  The Applicant	<p><b>RIES and nitrogen deposition matters</b></p> <p>To the extent that any of the matters raised in actions 14 to 17 bear on Habitats Regulations Assessment and positions summarised in the RIES, please respond to the RIES identifying the relevant actions and extracting relevant parts of your actions response.</p>	

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19	Applicant	<p><b>Southern Valley Golf Course</b>  Clarify position of potential contamination on the proposed open space replacement land at Sothern Valley Golf Course which would be provided to Gravesham Borough Council. In particular would the controls in the dDCO and related Control Documents ensure that the further contaminated land investigation and remediation (if required) also be carried out on this land as well as the parts of the golf course which would form part of the operational development itself.</p>	ISH12 and/or ISH14