



**DEADLINE 8 RESPONSE**  
**KENT DOWNS AONB RESPONSE TO**  
**Action Points No 8 and 15**  
**in respect of**  
**Issue Specific Hearing 11 – Environment Matters**

**Interested party Ref no: 20035310**

**8. To KCC, GBC, Thurrock Council, NE, Kent Downs AONB**

**Landscape and Visual conclusions**

**Provide a summary of your respective positions on the Applicant's conclusions within Chapter 7, Landscape and Visual of the ES [APP-145] paragraph 7.9.22.**

While DMRB LA107 requires the reporting of a combined conclusion on landscape and visual amenity, this is not an approach that is advocated in GLIVA3 and the AONB Unit considers it presents particular difficulties when dealing with a large scale project, such as the Lower Thames Crossing. In this case, we contend it is particularly difficult to draw any meaningful conclusion in a combined significance of effect given the hugely varying baseline in view of the scale of the project and resultant variance in predicted significance of effects across the Project as a whole and the presence of a nationally designated landscape that will be directly impacted on only part of the application site area, classified as a sensitive area in the EIA Regulations and for which a strengthened policy position applies. Furthermore, no direction is given in the DMRB as to whether the combined conclusion should include assessment of impacts through the life of the project (i.e. during construction and early years) or just relate to residual impacts.

As set out by both Natural England and Gravesham Borough Council at ISH11, when combining scores in Environmental Assessment, it is general practice that the worst scores weigh more heavily in formulating any combined assessment. Given this, the reported '*combined moderate adverse significance of overall landscape and visual effect on the existing landscape and visual amenity*' is considered by the AONB Unit to be an under representation of the overall significance of effects, given the number of large and very large

adverse effects predicted for both landscape and visual receptors in the ES, in particular during construction and early years of operation, although are predicted to remain at Design Year 15 in several instances.

Notwithstanding these concerns, as submitted in our Written Representation and expressly set out in Appendix 1 to the Written Representation - Detailed comments on the Effects reports in Chapter 7 of the ES (Docs [REP1-378](#) and [REP1-379](#)), we consider that both landscape and visual impacts to receptors in the Kent Downs AONB are generally underassessed in the ES, so the components that have contributed to the overall assessment are at a generally lower level of significance of effect than the AONB Unit considers appropriate.

## **15. To Kent Downs AONB Unit**

### **Nitrogen deposition compensation sites and related landscape impact on the Kent Downs AONB**

**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. 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?**

#### **Summary of written comments:**

When talking about Nitrogen Deposition harm it is to sites designated for their wildlife interest which we are referring to; these are identified and itemised in the Environment Statement Appendix 5.6 – Project Air Quality Action Plan at table 6.5 pages 26 -28. [[APP-350](#)]

We think that the applicant may have confused this matter in their response to our representation at Issue Specific Hearing 6 and further sought to confuse this matter at ISH 11. In responding to our Nitrogen Deposition comments at ISH 6, the applicant described them as 'not relevant' because the AONB designation is a government administrative boundary for the conservation of the landscape. We take issue with this, in considering Nitrogen Deposition impacts we were not referring to the AONB designation but to sites designated for their wildlife interest identified by the applicant as being harmed (residual significant effects). Many of these sites, including many of the most sensitive and valuable sites (SSSI/ SAC), happen to be in the Kent Downs AONB.

At ISH 11, the applicant appeared to build on their erroneous point by suggesting that there is no visual change to these sites and therefore there should be no concern from an AONB perspective. When it comes to Nitrogen Deposition harm, whether or not there is a visual change is irrelevant, the point is that they are important wildlife sites in the AONB, and the applicant's own modelling shows that there will be harm (significant residual effects) to the designated wildlife interest which cannot be mitigated and therefore must be compensated for.

## **Nitrogen Deposition harm and compensation.**

Both Natural England's High-Level advice on Nitrogen Deposition and the Applicant's own submitted documents are clear that nitrogen deposition compensation should be as close to the harm as possible and that the habitat networks and ecological resilience they refer to, should strengthen the network of designated sites and so should also be as close to the affected areas as possible.

The AONB Unit does not accept that 'compensatory' investment in Brentwood on a site already purchased and planted meets the applicant's own criteria nor the advice from Natural England and appears arbitrary when judged against submitted evidence and advice.

In the Hearing we brought the Inspectors' attention to several instances where the point regarding proximity was made clear by Natural England and the applicant. These were:

- **Natural England's pre-application advice on Nitrogen Deposition**

In Natural England's initial advice (Appendix A.13: Natural England's pre-application advice on Nitrogen Deposition Compensation proposals (dated 10 December 2021) [[REP4-337](#)]) they refer to the **importance of targeting and building the resilience of affected sites**. It is advised in this document that they '*support the principle that the measures are seeking to **build the resilience of the affected sites through targeted habitat creation that enhances habitat networks***'.

It is the **resilience of the affected sites** which are referred to and **targeted habitat creation**. The bulk of the Nitrogen Deposition compensation sites are proposed north of the Thames which we do not think is either targeted, nor does it build the resilience of the affected sites in a balanced way.

In the same document Natural England note that the criteria for compensation apparently agreed by the applicant and Natural England specifically includes 'proximity to the affected sites'.

- **Combined Modelling and Appraisal Report - Appendix D [[APP-524](#)]**

This document supports the point about compensation being close to harmed designated sites and new ecological networks and resilience again relating to existing, affected, designated sites. Table 4.1 in the Combined Modelling Appraisal on electronic page 23 reports very large adverse impacts as a result of Nitrogen Deposition impacts on specific designated sites, it states:

'Habitat creation at nitrogen deposition compensation sites, creating new wildlife-rich habitat which **strengthens network of designated sites** and habitats, proposed to **fully offset project wide significant adverse effects** from nitrogen deposition.

The creation of new wildlife rich habitats should strengthen the network of the affected designated sites, most of which are south of the Thames.

- **Environmental Statement Appendices Appendix 5.6 – Project Air Quality Action Plan [[APP-350](#)]**

This point is reiterated in Doc 6.3 Environmental Statement Appendices Appendix 5.6 – Project Air Quality Action Plan. When discussing the compensation considered (at pp2), in referring to ecological networks it is stated that the 'ecological network basis for compensation' is an approach.... 'where more comprehensive measures are proposed

which are relevant to the network of habitats within which a number of affected areas of habitat lie.’

Concluding, the AONB Unit has consistently submitted that there is an imbalance in the approach to nitrogen deposition compensation: with 89% of the identified impacts being south of the Thames and only 21% of the compensatory land (replacement habitat creation) being south of the Thames.

Natural England in their high-level advice, and the applicant in their submission documents have both confirmed that compensation should be as close to harmed designated sites as possible and that the strengthening of ecological networks should target the harmed **designated sites**, not any site in the red line; it is the view of the AONB Unit that that the current proposals do not deliver this in a balanced way.

Additionally, there is an important point of principle that Hole Farm is happening anyway; its purchase was secured through Designated Funds and not by the scheme, it is far too far away from most of the affected designated sites to meet the function required; we doubt any additionality by claiming nitrogen deposition compensation at this site.

A further point of principle we have brought to the attention of the ExA is that it is wholly inappropriate to propose the deployment of the Countryside Stewardship Scheme (CSS) to compensate for the identified residual significant effects from Nitrogen Deposition. It is the view of the AONB Unit that it is the scheme and not general Government Environmental Land Management payments which should pay for compensation, to do otherwise presents an untruthful cost benefit assessment of the scheme (the same is true for anything funded by the National Highways Designated Fund). Additionally CSS provides neither the certainty, targeting, longevity or any other form on long term assurance that the investment is protected for the time required to compensate for Nitrogen Deposition impacts. Reference and reliance on CSS should not be accepted as part of the Compensatory Investments required of the scheme; nor should any CSS, Designated Funds or other, similar programmes proposed or funded be taken into account when the planning balance is made on this scheme.

### **Would additional compensation within the AONB alter current landscape equality?**

How compensation would alter existing landscape character and quality is dependent on factors such as the current condition of the receptor site and whether the proposed mitigation planting is appropriate to landscape character.

Compensation planting is mainly proposed as woodland planting. However it is our understanding that compensation should replace affected habitat on a like for like basis. While the majority of designated sites affected comprise woodland, the affected sites include areas which include chalk grassland.

In many cases woodland planting is entirely appropriate and a positive intervention in the landscape in the Kent Downs, it is a landscape characterised in part by woodland. However, in certain instances this is less appropriate, such as where planting would obscure historic parkland character, such as the area around Park Pale. Woodland planting would also be inappropriate intervention on much of the scarp slope of the Kent Downs where chalk grassland is generally more in keeping with landscape character, other than on the steepest parts of the escarpment towards the top and some specific areas of Beech-Yew woodland.

In respect of the originally proposed larger site at Bluebell Hill, a predominantly woodland planting scheme would be entirely appropriate and would represent a positive landscape

enhancement. As advised at ISH 11, historic mapping indicates that much of the land here was previously wooded. The section of land that has been removed from providing compensation provided significant opportunity for enhancement to the landscape character of the AONB, currently comprising large scale open 'prairie' fields on a relatively flat section of land that would benefit from more varied and enclosed vegetation cover. In comparison, the retained land provides less opportunities for landscape enhancement, being a more generally enclosed landscape with a smaller and more irregular field pattern.

The inclusion of the land to the south of Bell Lane at Bluebell Hill was also beneficial in that it provided the opportunity to help reduce the impact of existing visual detractors in this locality – in particular the reservoir just south of Bell Lane and high voltage power lines and associated pylons to the south. This part of the site also connected with the North Downs Way, a national trail, and its inclusion provided opportunities for additional public access to connect with this, which is no longer be available with the proposed removal.

The removed site at Burham was considered less appropriate for woodland planting however. Situated on the actual escarpment of the Kent Downs, but on the lower slopes, the site would be more suited to chalk grassland. Woodland planting would also obscure the attractive coombe form of the landscape here. Reversion to chalk grassland would however be entirely appropriate and consistent with the habitat opportunities mapping carried out across Kent and identified on KCC KLIS Map ([link](#)), developed from field-level information on the current distribution of habitats in Kent, the distribution of protected areas and areas under agri-environment schemes.

### **Would reinstatement of Bluebell Hill and Burham represent satisfactory provision?**

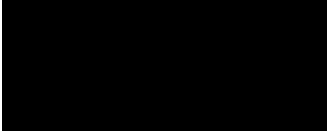
The AONB Unit considers that the re-instatement of these two sites would represent satisfactory provision.

### **If not, how should the issue be managed?**

As advised at ISH 11, the AONB Unit's favoured approach is for the re-instatement of the omitted land at Bluebell Hill and removed site at Burham. Should this not be feasible then it is considered that alternative compensation should be provided so as to benefit the affected habitats. It is considered that the most appropriate way of securing this would be for a supplementary amount to be made to the already agreed AONB Enhancement Fund, secured through a separate Planning Obligation. The additional figure should be used specifically on measures that would improve the ecological resilience and biodiversity of the AONB as close as possible to the affected sites and would be targeted in the first instance at securing better management of, extensions to, and connections between the sites that are assessed as being affected. This could include land purchase where agreed with land owners. Such an approach would correspond with accepted methods of mitigation for nitrogen deposition which includes improved management of existing and affected sites. The AONB Unit, with the appropriate resources, is well placed to secure such measures and has a strong track record of delivering grant schemes and working effectively with landowners and land managers in the Kent Downs; the Unit currently manages a Defra grant with an annual grant expenditure exceeding £1m ([FIPL](#)).

The AONB Unit has sought to reach agreement on an appropriate level of funding for Nitrogen Deposition compensation with National Highways, without prejudice to the Applicant's position that compensation is not required. However, at meetings between the Applicant and the AONB Unit on 21/11/2023 and 28/11/2023, the Applicant advised that it was not prepared to engage on this matter and that it would respond to any submission made by the AONB Unit through official Examination submissions.

It is the position of the AONB Unit that an appropriate financial amount would be the equivalent cost of the acquisition and subsequent management of the removed 40 ha of land at Bluebell Hill and Burham.



Katie Miller

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5 December 2023