

Lower Thames Crossing TR010032

D9 - Early Deadline 9A Submission

Thames Crossing Action Group

Unique Reference: 20035660

D9 - EARLY DEADLINE 9A (15th December 2023) / Submitted 11th December

Introduction

1. Thames Crossing Action Group represent those who are opposed to the proposed LTC.
2. Whilst we recognise that the questions in Rule 17 – Request for Further Information [[PD-051](#)] are directed at Natural England and National Highways. We note that the ExA have also stated that other Interested Parties may respond if they consider that the matters raised are relevant to them and they are able to answer the questions providing important and relevant information.
3. As an Interested Party who has spoken and written about The Wilderness throughout the Examination, and being the party who submitted evidence to Natural England for their consideration to designate The Wilderness as Ancient Woodland, and additionally Long Established Woodland, we hope the ExA will find our submission helpful.
4. We have submitted this evidence early at D9 rather than wait until the given deadline of D9A in the hope of assisting the ExA without delay.
5. In the interest of clarity, this early D9A submission will be in addition to any further D9A submission that we may wish to make once D9 submissions have been published.
6. If we can be of any further assistance please do not hesitate to contact us – admin@thamescrossingactiongroup.com

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D9 - Early D9A submission

Rule 17 – Request for Further Information [[PD-051](#)] – The Wilderness

7. We would like to respectfully ensure that the ExA and others have had the chance to review our response to Action Point 16 from Issue Specific Hearing 9 (ISH9) - 23 October 2023 [[EV-075](#)] where we shared the confirmation from Natural England that the southern section of The Wilderness has been designated Ancient Woodland, and the remainder has been designated Long Established Woodland.
8. Our response to the action point that includes all supporting evidence can be found in the first section of our Deadline 7 submission [[REP7-272](#)] from around paragraph 4.
9. For the avoidance of any doubt, we have also submitted the original email that Natural England sent us regarding this matter, to the LTC PINS Case Team, with the proviso that all sensitive/private details are redacted before being published publicly, as it obviously includes names and contact details that some may need/prefer to be kept private.
10. A copy of the email was pasted into our D7 submission, and is again shared below for your ease of reference, but as highlighted above, we have shared the original for the avoidance of any doubt.

Dear Laura,

I write to inform you that we have now reviewed all of the available evidence together (including your two submissions, inhouse datasets and other publicly available evidence) and come to a decision. Please find attached evidence review document which details all of the evidence used for completeness.

We have concluded that there is sufficient evidence for inclusion of the southern section of the Wilderness in the ancient woodland inventory as ancient semi-natural woodland ASNW and that the remainder of the site is long established woodland LEW.

Please note that Natural England representatives involved in the Development Consent Order Examination have been informed of this decision.

Yours sincerely,

Dr Marion Bryant

Woodland and Trees Specialist
Science Directorate
Natural England

11. The mentioned evidence review was included in our D7 submission in Appendix A, and will also be found attached to the original email from Dr Bryant that we have forwarded to the LTC PINS Case Team, as detailed above.
12. As noted in Dr Bryant's email above the NE representatives involved in the LTC DCO Examination have been informed of this decision, so we are sure they will be able to assist with the necessary info at D9A, but as we are aware of the importance of evidence being submitted as soon as possible we wanted to send this submission asap in the hope of assisting the ExA at the earliest possible time.

Additional relevant information

13. Whilst writing on this matter, we would also like to respectfully take the opportunity to highlight the following to the ExA:
14. We have been providing evidence of The Wilderness being an Ancient Woodland to NH for years during the pre-application consultation stage, both in consultation responses, and at public meetings (including Thurrock Council's LTC Task Force meetings) which NH have chosen to ignore.
15. As recently as D7 NH were referring in their Deadline 7 Submission - 9.163 Cover Letter and Submissions for Deadline 7 [REP7-001] in Annex C – Hearing Action List signposting, more specifically on pdf page number 34/39 that in response to ISH9 Action 12 [EV-075] they said this had been answered in Section B.2 of Post-event submissions, including written submission of oral comments, for ISH9 [REP6-090].
16. Within that submission NH categorically stated at B.2.2, as can be seen pasted below for ease of reference, that “the Applicant is not aware of any evidence that would suggest that there is potential for The Wilderness to be considered ancient woodland”, and that “To the contrary, desk-based information sources and data collected during the Applicant's field surveys indicated that The Wilderness does not meet the ancient woodland criteria”.

B.2.2 For avoidance of doubt, the Applicant is not aware of any evidence that would suggest that there is potential for The Wilderness to be considered ancient woodland. To the contrary, desk-based information sources and data collected during the Applicant's field surveys indicate that The Wilderness does not meet the ancient woodland criteria.

17. We find this to be extremely frustrating, infuriating, and disingenuous considering we have been raising this point with NH for years.
18. If as a community action group, made up of local residents, we have been able to research and provide evidence that The Wilderness is Ancient Woodland, why have a government company, NH, with paid experienced experts not be able to do the same?
19. It also goes to show, and should lead to the question that if NH have failed to correctly identify and recognise The Wilderness as Ancient Woodland, what else have they failed to identify and recognise in regard to the project on this and other aspects? It hardly instils confidence.
20. We would also question how NH can genuinely say that they have adequately considered their route options and design, since they have not properly considered the route/design impact on The Wilderness as an Ancient Woodland.
21. We note that NPSNN paragraph 5.3.2 states that: '[t]he Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss...'
22. It is our opinion that not only have NH not given proper and adequate consideration to the fact The Wilderness is Ancient Woodland throughout the process (as highlighted above), but also that as per our previous evidence there are clearly other better and more sustainable alternatives that NH have failed to adequately consider that would avoid The Wilderness and other ancient woodlands and irreplaceable habitats.
23. There is also the fact that NH have chosen to go through The Wilderness, rather than going through the nearby landfill site. We do not believe NH have given a good reason as to why they are choosing to destroy and impact The Wilderness rather than go through the landfill site.
24. It is apparent in Deadline 6 Submission - 9.132 Post-event submissions, including written submission of oral comments, for ISH9 [\[REP6-090\]](#) in paragraph B.2.14 that the designation of The Wilderness as Ancient Woodland would result in the Project would lead to large adverse effects which are significant as a result of loss of designated irreplaceable habitat, and the degradation of retained designated irreplaceable habitat as a result of increased nitrogen deposition.

25. We question why on pdf page 17/43 in their Deadline 8 Submission - 9.196 Applicant's comments on Interested Parties' submissions at Deadline 7 [[REP8-119](#)] NH refer to the 'potential designation as ancient woodland', because in the referenced Natural England submission [[REP7-215](#)] whilst NH use the word potential 17 times, not once was it used in regard to The Wilderness being granted ancient woodland.
26. We believe that since The Wilderness has been designated Ancient Woodland NH would need to adjust compensatory planting. However, we do not consider that the proposed planting at Hole Farm is adequate or acceptable.
27. Firstly, the ancient woodland loss is in Thurrock, so should be compensated for within Thurrock. Secondly, The Wilderness is privately owned, belonging to the Mee family, so any compensatory planting should remain property of the Mee family, not be absorbed in a NH/Forestry England project that is being progressed regardless of whether the proposed LTC goes ahead or not.
28. Not to mention the fact that Hole Farm Community Woodland, as well as already stated being a woodland that is being progressed regardless of the LTC, also must have its limitations, yet seems to be continually provided as the answer to so much when it comes to environmental mitigation and compensation.
29. Additionally, the remainder of The Wilderness has been designated as Long Established Woodland. Whilst we acknowledge that as yet this new status is so new that protections have not yet been associated to the status, it does recognise there is a need to differentiate such woodlands, and that consideration is being given as to what protections will be awarded.
30. As The Wilderness is amongst the first woodlands in the country to be granted this new designation, it would be completely unacceptable for such a designation to simply be ignored, as NH seem to be attempting to do.
31. There is a reason that government have identified a need to identify and offer such designation to this kind of long established woodland, and that reason is not so that it can be ignored and Long Established Woodland be destroyed and adversely impacted, as would be the case with the Wilderness, if the proposed LTC goes ahead.
32. We would think it would be prudent for nitrogen deposition assessment to be carried out in regard to the Long Established Woodland designation of the remaining woodland at The Wilderness.

33. We feel it important that recognition also be given to the way woodlands connect, particularly underground, and that the loss of both ancient and long established woodland areas of The Wilderness would also have a detrimental effect on what would be left and impacted rather than lost.
34. The loss of the section that would be destroyed, the impacts to the watercourses that have flowed for centuries or longer, would all negatively impact the long established woodland section of The Wilderness that would remain, along with the creatures it supports, including protected species.
35. On the topic of what is at The Wilderness, we would again call into question a number of points:
 - Why did NH surveys not identify ancient woodland indicators that we provided evidence of?
 - How accurate and reliable can these and all surveys for the proposed LTC truly be considered when NH clearly got it so wrong in regard to The Wilderness?
 - How can a community group research and provide evidence to identify and secure ancient woodland status, but paid NH experts failed?
 - Why have NH continually ignored our evidence that The Wilderness was ancient woodland for so many years?
 - How can any of us truly have any trust or confidence in anything that NH are presenting in regard to the proposed LTC, in light of all of the above?