



Lower Thames Crossing

5.4.1.4 ~~Final~~ Agreed Statement of Common Ground between (1) National Highways and (2) Kent Downs AONB Unit (Tracked changes version)

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APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Volume 5

DATE: ~~December~~ 2023
DEADLINE: ~~9A~~

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Revision history

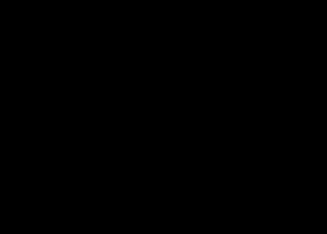
Version	Date	Submitted at
1.0	31 October 2022	DCO Application
2.0	18 July 2023	Deadline 1
3.0	31 October 2023	Deadline 6
4.0	15 December 2023	Deadline 9A

Status of the Statement of Common Ground

This is the Final Agreed Statement of Common Ground between (1) National Highways (the Applicant) and (2) the Kent Downs Area of Outstanding Natural Beauty Unit.

Both parties have reached agreement on the position of the status of all 43 matters. Of the 43 matters contained within, 24 matters are agreed and 19 are not agreed, leaving no matters outstanding.

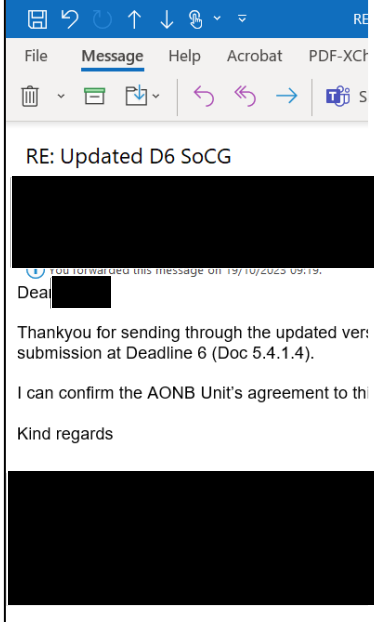
On behalf of the Applicant

<u>Name</u>	
<u>Position</u>	
<u>Organisation</u>	
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On behalf of the Kent Downs Area of Outstanding Natural Beauty Unit

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Deleted: [Kent Downs Area of Outstanding Natural Beauty](#)
¶ A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.¶

Lower Thames Crossing

5.4.1.4 Final Agreed Statement of Common Ground between (1) National Highways and (2) Kent Downs AONB Unit (Tracked changes version)

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (the Applicant) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and Kent Downs AONB Unit, and where agreement has not been reached.
- 1.1.3 This final version of the SoCG has been submitted at Examination Deadline 9A.

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1.2 Principal Areas of Disagreement

- 1.2.1 On the 19 December 2022 the Examining Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.
- 1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.
- 1.2.4 The Kent Downs AONB Unit elected not to produce a PADS Tracker at pre-examination stage, indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

1.3 Terminology

- 1.3.1 In the 'Final position on matters' table in Section 2 of this SoCG, "Matter not agreed" indicates agreement on the matter could not be reached following significant engagement. "Matter agreed" indicates where the issue has now been resolved.

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2 Matters

2.1 Final position on matters

2.1.1 A summary of engagement undertaken between the Applicant and Kent Downs AONB Unit is summarised in Appendix A.

2.1.2 the outcome of this engagement is presented in Table 2.1 which details and presents the matters that are either agreed or not agreed between (1) the Applicant and (2) Kent Downs AONB Unit.

2.1.3 In the column 'Item No' in Table 2.1, 'RRN' indicates a matter entered into the SoCG as a result of content in the Relevant Representation, 'RRE' indicates an existing SoCG matter that was also raised in the Relevant Representation, 'WR' indicates a matter entered into the SoCG as a result of content in the 'Written Representation' and 'DLX' indicates a new matter added during examination at/around that deadline.

2.1.4 Since version 3 of this SoCG was submitted at Deadline 6, one additional matter has been added:

a. Item 2.1.43 'Landscape and Visual', 'Impacts'

2.1.5 The following matters moved from 'Matter Under Discussion' to 'Matter Agreed':

a. Item 2.1.26 'Landscape and Visual', 'Compensation'

2.1.6 The following matters moved from 'Matter Under Discussion' to 'Matter Not Agreed':

b. Item 2.1.37 'Planning Statement / Policy', 'Landscape Compensation'

c. Item 2.1.42 'Landscape and Visual', 'Baseline'

d. Item 2.1.12 'Landscape and Visual', 'Impacts'

e. Item 2.1.22 'Landscape and Visual', 'Mitigation'

f. Item 2.1.36 'Landscape and Visual', 'Mitigation'

g. Item 2.1.33 'Nitrogen deposition', 'Compensation'

2.1.7 At Examination Deadline 9A there are 43 matters in total of which 24 are agreed, and 19 are not agreed.

2.1.8 This is the final Statement of Common Ground between the Applicant and the Kent Downs AONB Unit.

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Deleted: <#>Further to the matters raised in the Deadline 1 SoCG, the Kent Downs AONB Unit submitted further comments on the DCO application which has led to new matters being included in Table 2.1. The new matters are:¶ Item 2.1.41 'Route selection, model alternatives and assessment of reasonable alternatives, Utilities Diversions' ¶

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Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Kent Downs AONB Unit. ¶
In Table 2.1, relevant issues relating to the dDCO articles and Requirements in Schedule 2 to the dDCO have been identified under the heading 'DCO and Consents'.¶

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Table 2.1 Final position on Matters

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
DCO and consents					
Securing mechanisms	2.1.38 (DL1) RRN	The Design Principles document (Application Document 7.5) contains many measures that are supported, as they incorporate requirements that are appropriate to the site's location within or affecting the Kent Downs AONB. However, the AONB Unit is concerned that many of the requirements are worded in such a way that they may not be complied with in reality. This includes many references to 'where practical', 'where reasonably practical' and 'unless otherwise agreed'.	The draft DCO states that the authorised development must be designed in detail and carried out in accordance with the Design Principles and the preliminary scheme design, unless otherwise agreed in writing. The wording maintains a degree of flexibility for the detailed design to respond to practical design considerations. However, the requirement for the design to be in accordance with the Design Principles would ensure that the underlying requirements of each principle are met, subject to any practical limitations that could not be reasonably overcome.	<u>Draft Development Consent Order [Document Reference 3.1 (11)]</u> <u>Design Principles [Document Reference 7.5 (7)]</u>	Matter Not Agreed
Planning Statement/policy					
Management Plan	2.1.1	The Project should fully consider the principles, aims and objectives of the Kent Downs AONB Unit Management Plan 2021-2026.	The principles, aims and objectives of the Kent Downs AONB Unit, including their management plan for 2021-2026, have been reviewed as part of Environmental Statement (ES) Chapter 7: Landscape and Visual and are detailed in ES Appendix 7.6: Kent Downs Area of Outstanding Natural Beauty Relevant Guidance.	<u>ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)]</u> <u>ES Appendix 7.6: Kent Downs</u>	Matter Agreed

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Deleted: ES Chapter 7: Landscape and Visual [\[APP-145\]](#)

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
				AONB Relevant Guidance [APP-381] ES Addendum [Document Reference 9.8 (9)]	
Cost benefit assessment	2.1.2	The AONB Unit is concerned that too much emphasis has been placed on economic factors without due consideration of the Project's impact on the environment. The economic benefits must be weighed against the loss of quality of life and wellbeing that would be caused by damage to protected landscapes, biodiversity, the historic environment, light pollution and loss of tranquillity in a landscape of national significance.	All decisions about the Project, such as whether it should proceed, the selection of a preferred route and design considerations, have taken account of a wide range of economic, social and environmental impacts, and have been assessed appropriately, in accordance with the requirements of the National Policy Statement for National Networks (NPSNN). It is the Applicant's view that the NPSNN test has been met, and that the benefits of the Project clearly outweigh the impact on the Kent Downs AONB. Impacts on the Kent Downs AONB are assessed in the ES: <ul style="list-style-type: none"> • Impacts to quality of life and wellbeing are assessed within ES Chapter 13: Population and Human Health • Impacts to biodiversity are assessed within ES Chapter 8: Terrestrial Biodiversity 	ES Chapter 13: Population and Human Health [APP-151] ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)] ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Chapter 6: Cultural Heritage [REP4-116]	Matter Not Agreed

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Deleted: [[APP-146](#)]

Deleted: ES Chapter 7: Landscape and Visual [[APP-145](#)]

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<ul style="list-style-type: none"> Impacts to the AONB, including light pollution and tranquillity, are assessed in ES Chapter 7: Landscape and Visual Impacts to the historic environment are assessed in ES Chapter 6: Cultural Heritage <p>The Planning Statement responds to the following paragraphs of the NPSNN: Paragraph 5.151 which requires that applications should include an assessment of:</p> <ul style="list-style-type: none"> <i>'the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;</i> <i>the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and</i> <i>any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'</i> <p>Paragraph 5.152 of the NSPNN also states that:</p>	<p>ES Addendum [Document Reference 9.8 (9)]</p> <p>Need for the Project [APP-494]</p> <p>Planning Statement [Document Reference 7.2 (2)]</p>	

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<i>'There is a strong presumption against any significant road widening or the building of new roads ... [in an] AONB unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly.'</i>		
Landscape compensation	2.1.37 (DL1) RRN	At F.3.5 of the Planning Statement Appendix F Kent Downs AONB, it is advised that environmental compensation and mitigation in the Kent Downs AONB includes earthwork features such as false cuttings, walking, cycling and horse-riding route realignments, improved connections over the A2/M2 and with local roads, ancient woodland compensation planting and extensive woodland planting around the A122/A2/M2 junction. This is not considered by the AONB Unit to represent compensation for the harm arising to the landscape and scenic beauty of the Kent Downs AONB.	As acknowledged in the Kent Downs AONB Unit's relevant representation, the Applicant has engaged in constructive discussions regarding appropriate compensation for the harm to the Kent Downs AONB. A Compensatory Enhancement Fund has been agreed with the AONB Unit as detailed in item 2.1.26. For clarity, paragraph F.3.5 of the Planning Statement Appendix F: Kent Downs Area of Outstanding Natural Beauty simply identifies mitigation and compensation measures that are in the Kent Downs AONB; it does not state that the measures compensate for the harm to the AONB arising from the Project.	Planning Statement Appendix F: Kent Downs AONB [Document Reference 7.2 Appendix F (2)], Kent Downs AONB Unit's Relevant Representation [RR-0558]	Matter Not Agreed,
Route selection, model alternatives and assessment of reasonable alternatives					
Route location	2.1.3 RRE	The AONB Unit is strongly opposed to the route selection because of significant detrimental impacts to the Kent Downs AONB.	A robust and appropriate assessment of the route selection has been undertaken and is detailed in ES	ES Chapter 3: Assessment of Reasonable	Matter Not Agreed

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<p>Chapter 3: Assessment of Reasonable Alternatives.</p> <p>A non-statutory public consultation was held in 2016 which included a detailed appraisal of the routes. Route 3 was progressed as it best met the Scheme Objectives and had the least environmental impact. A further assessment was undertaken in 2020 which assessed the balance of the environmental impacts of the Eastern Southern Link against the Western Southern link, including an assessment of Landscape Character Areas and impacts to the AONB. The impacts of the Western Southern Link remain less significant than the overall balance of impacts of the Eastern Southern Link. Full details of the route selection process can be found in ES Chapter 3: Assessment of Reasonable Alternatives.</p> <p>Impacts to the Kent Downs AONB are assessed within the Planning Statement as it is an NPSNN test (as detailed in item 2.1.2).</p> <p>As stated above, it is the Applicant's view that the NPSNN test has been met, and that the benefits of the Project clearly outweigh the impact on the Kent Downs AONB.</p>	<p>Alternatives [APP-141]</p> <p>ES Addendum [Document Reference 9.8 (9)]</p> <p>Planning Statement [Document Reference 7.2 (2)]</p>	

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 Planning Statement [\[APP-495\]](#)

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Utilities Diversions	2.1.41 WR (DL6)	<p>Much of the harm to the AONB arises as a result of these utility diversions. Alternative solutions for locating these elsewhere have not, in our view, been fully explored or justifiably discounted, for example, relocating them under existing highway infrastructure such as Thong Lane/Brewers Rd.</p> <p>It is advised at 5.6.8 of the Planning Statement that the '<i>only engineering alternative, to avoid diversion within the AONB, would be to reconfigure local utility networks from Gravesend to the M2 junction 1 via the A226 and local road networks. Even this would not avoid the need for some works within the AONB as customer connections would still need to be completed within the AONB. Therefore, such a reconfiguration would give rise to significant impacts on traffic/air quality, programme length and entail engineering complexities, while still requiring work within the AONB.</i>' However, the impacts to the AONB would be significantly less damaging and we consider this option has been discounted too readily</p>	<p>Alternative proposals for utility diversions have been communicated during the development of the Project design during technical engagement (for example the utilities workshops held on 3 December 2019 and 6 February 2020) and the non-statutory consultations prior to the application submission. As per Plate 2.11 of ES Chapter 2: Project Description, proposals have been reviewed as part of an iterative design process and the needs and impacts considered. This process has resulted in amendments such as Work No. G1a being located within Brewers Road and Park Pale instead of within the woodland east of Brewers Road. At the detailed design stage, further consideration will be given to the designed alignment and the construction impacts in accordance with REAC commitment LV001, within the Code of Construction Practice.</p> <p>The AONB Unit's view that the impacts to the AONB via another pipeline routing would be '<i>significantly less damaging</i>' is not supported by the Applicant. The alternative pipeline route would have required additional pipelines to be installed, of a greater</p>	<p>ES Chapter 2: Project Description [APP-140] ES Addendum [Document Reference 9.8 (9)] ES Appendix 2.2: Code of Construction Practice [Document Reference 6.3 ES Appendix 2.2 (9)] Planning Statement [Document Reference 7.2 (2)]</p>	Matter Not Agreed

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ES Appendix 2.2: Code of Construction Practice [\[REP5-048\]](#)
Planning Statement [\[APP-495\]](#)

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<p>bore than currently proposed to provide gas to the customers of the network. It would have increased the area of interface between the Works and the Kent Downs AONB with the additional need for further Utility Logistics Hubs during the construction of the pipeline.</p> <p>It is of note that this alternative proposal would not be acceptable to the gas network owner and operator due to operation and maintenance considerations, including additional costs associated with the upkeep of that network. The alternative route would also omit or significantly impede the opportunities to install infrastructure at the same time as constructing the Project that would enable the gas network operator to consider providing mains gas to Thong Village, Cobham and the businesses along the A2.</p>		
Landscape & Visual					
Baseline	2.1.42 WR (DL6)	The LVIA has assessed the impacts on the Kent Downs AONB Landscape Character Areas (LLCA) based on an adjusted plotting of the boundaries of the Shorne and Cobham Subareas of the West Kent	As detailed in Appendix A of Comments on Written Representations, the boundaries of character areas identified in the studies have been used to inform the definition of the LLCAs, which have	ES Chapter 7: Landscape and Visual Document Reference 6.1	Matter Not Agreed

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
		<p>Downs Character Areas. This re-adjustment of the boundaries results in less of the proposed works falling within the Cobham sub-area as defined in the LVIA than within the Kent Downs published LCA and conversely, a greater proportion of the works falling within the Shorne sub-area.</p> <p><u>In respect of the revised assessment submitted at Deadline 8, notwithstanding the AONB Unit's continued contention that the impacts to landscape character at Design Year are generally underassessed, the AONB agrees with the Applicant's assessment set out in the revised landscape impact assessment tables using the non-adjusted boundaries, that the impacts of the Project would increase in respect of impacts in the Cobham Sub Area but would remain as reported for the Shorne Sub-area and overarching West Kent Downs LCA. The AONB Unit disagrees that there would be the assessed reduction at Construction in the Shorne Sub-Area from Major to Moderate.</u></p>	<p>been used as a basis for the assessment of effects on the landscape at the local level. In a limited number of locations, the boundaries of the published character areas have been slightly adjusted through detailed study and analysis undertaken for the LVIA in ES Chapter 7.</p> <p>From the Applicant's review of the West Kent Downs (sub area Cobham) LLCA and from its site visits, it is of the view that HS1 and the associated planting strongly define the northern extent of the Cobham sub area, and it therefore made sense for the Shorne sub area to incorporate the whole width of the A2 corridor, beyond HS1. Notwithstanding this slight difference in the West Kent Downs (sub area Cobham) LLCA boundary for the purposes of the assessment, the effects of the Project are fully assessed either as direct or indirect effects within the West Kent Downs (sub area Cobham) LLCA and/or the neighbouring West Kent Downs (sub area Shorne) LLCA. The findings of these two assessments are then brought together into a combined assessment for the overarching West</p>	<p>ES Chapter 7 (2) ES Addendum [Document Reference 9.8 (9)] Comments on WRs Appendix A: Statutory Environmental Bodies [REP2-046] Post-event submissions, including written submission of oral comments, for ISH11 [Document Reference 9.187]</p>	

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ES Addendum [\[REP5-062\]](#)

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
		<u>The AONB Unit is of the view that as using the adjusted boundaries results in a reduced assessment of the effects for the Cobham Sub-Area, the assessment should be based on the published LCA boundaries.</u>	Kent Downs Landscape Character Area (LCA) 1A. The combined effects reported in the landscape impact summary in Tables 7.33 and 7.34 in Section 7.9 of ES Chapter 7: Landscape and Visual and the overall conclusion of the landscape and visual impact assessment would therefore not differ if the Cobham and Shorne sub area boundary is drawn in a different location. <u>The Applicant has published a without prejudice assessment using the published LLCA boundaries for Deadline 8.</u>		
Methodology	2.1.4	Viewpoints and photomontage locations and methodology have been agreed with the AONB Unit.	Methodology agreed.	<u>ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)]</u> <u>ES Addendum [Document Reference 9.8 (9)]</u>	Matter Agreed
Methodology	2.1.5	The tranquillity baseline noise monitoring locations have been agreed with the AONB Unit.	Baseline locations agreed.	<u>ES Chapter 7: Landscape and Visual [Document Reference 6.1</u>	Matter Agreed

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ES Addendum [REP5-062]

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
				ES Chapter 7 (2) ES Addendum [Document Reference 9.8 (9)]	
Methodology	2.1.6	The methodology for assessing indirect effects on the Kent Downs AONB has been agreed with the AONB Unit.	Methodology agreed.	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document Reference 9.8 (9)]	Matter Agreed
Impacts	2.1.7 RRE	The construction of a highway and junction in the immediate setting of the Kent Downs AONB will create a significant visual impact resulting in substantial harm to Kent Downs AONB that could not be satisfactorily mitigated.	The Applicant agrees that there is a significant impact on local landscape character within the Kent Downs AONB as detailed within ES Chapter 7: Landscape and Visual. Measures have been taken to minimise the impact to the Kent Downs AONB where practicable. The impact on the Kent Downs AONB is assessed within the Planning Statement as it is an NPSNN test. The Applicant's view is that the Project meets the NPSNN test.	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document Reference 9.8 (9)] Planning Statement	Matter Agreed

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ES Addendum [\[REPS-062\]](#)

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ES Addendum [\[REPS-062\]](#)

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
				[Document Reference 7.2 (2)]	
Impacts	2.1.8 RRE	<p>The removal of existing vegetation along the A2, including the central reservation, loss of mature trees from both sides of the highway and removal of mitigation for High Speed 1 will open up views of the transport corridor and reduce the current wooded context within which it sits, negatively impacting landscape character.</p> <p>The AONB Unit acknowledges that discussions with Statutory Undertakers have reduced impacts since the Supplementary Consultation, although remain greater than the Applicant originally consulted on in 2016 and 2018.</p>	<p>The Applicant agrees that there is a localised significant impact on local landscape character within the Kent Downs AONB as detailed within ES Chapter 7: Landscape and Visual. Measures have been taken to minimise impacts, to the Kent Downs AONB where practicable.</p> <p>Discussions with Statutory Undertakers have resulted in a reduction in woodland loss, including High Speed 1 mitigation, and ancient woodland loss since impacts were first presented to the AONB Unit in 2019.</p> <p>The Project will result in the loss of vegetation within the central reservation, which is assessed in ES Appendix 7.13: Views from the Road Assessment. The minimum areas of retained vegetation are detailed in the Environmental Masterplan (ES Figure 2.4).</p> <p>Several securing mechanisms have been included to further reduce the impact on the Kent Downs AONB, including:</p>	<p>ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)]</p> <p>ES Addendum [Document Reference 9.8 (9)]</p> <p>ES Figure 2.4: Environmental Masterplan [Document Reference 6.2 ES Figure 2.4 Sections 1 and 1a (4), Section 2 (5), Section 3 (4), Section 4 (2), Section 9 (6), Section 10 (4), Section 11 (3), Section 12 (3), Section 13</p>	Matter Agreed

Deleted: ES Chapter 7: Landscape and Visual [\[APP-145\]](#)
ES Addendum [\[REP5-062\]](#)
Planning Statement [\[APP-495\]](#)

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<ul style="list-style-type: none"> Design Principle LSP.01 'Retention of existing vegetation' Register of Environmental Actions and Commitments (REAC) Commitment LV013 'Designated/protected trees and hedgerows, utilities' REAC Commitment LV028 'Protection of retained woodland, trees and hedges' REAC Commitment LV029 'Landscape planting' REAC Commitment LV030 'Veteran and ancient tree fencing' 	<p>(3), Section 14 (3)</p> <p>ES Appendix 7.13: Views from the Road Assessment [APP-388]</p> <p>Design Principles Document Reference 7.5 (7)</p> <p>ES Appendix 2.2: Code of Construction Practice [Document Reference 6.3 ES Appendix 2.2 (9)]</p>	
Impacts	2.1.9 RRE	Physical and visual severance of the Kent Downs AONB to the north of the A2 will further isolate Shorne Woods from Cobham Parklands and Ashenbank Wood to the south.	Although the Project would increase the width of the transport corridor, in the longer-term, Brewers Road green bridge and Thong Lane green bridge south would reduce the severance by providing dedicated walker, cyclist and horse rider (WCH) routes and soft landscape features providing visual screening of the corridor with improved ecological connectivity.	<p>ES Chapter 7: Landscape and Visual Document Reference 6.1 ES Chapter 7 (2)</p> <p>ES Addendum [Document</p>	Matter Not Agreed

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ES Addendum [\[REPS-062\]](#)
ES Figure 2.4: Environmental Masterplan [\[REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031\]](#)

Deleted: Design Principles [\[REP4-146\]](#)
ES Appendix 2.2: Code of Construction Practice [\[REPS-048\]](#)

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
				Reference 9.8 (9)	
Impacts	2.1.10	The cumulative visual impacts of the widened A2 corridor should be considered in combination with High Speed 1.	High Speed 1 is considered as part of the baseline for ES Chapter 7: Landscape and Visual and is also considered within the visual assessment, which includes the increased visibility of High Speed 1.	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document Reference 9.8 (9)]	Matter Agreed
Impacts	2.1.11 RRE	There will be a reduction in tranquillity during construction and following completion of the Project from both noise and increased lighting.	The Applicant's landscape and visual assessment (ES Chapter 7: Landscape and Visual) confirms that there would be localised impacts on tranquillity during construction and following completion of the Project, along the A2/M2 corridor. REAC Commitment NV013 'Road Surfacing' (Code of Construction Practice (ES Appendix 2.2)) commits to low noise road surfacing and states: <ul style="list-style-type: none">'For the locations identified on ES Figure 12.6, a surfacing system that has a reported noise Road Surface Influence (RSIH) of - 7.5dB(A) or better in accordance with the Highway Authorities	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document Reference 9.8 (9)] ES Appendix 2.2: Code of Construction Practice [Document Reference 6.3	Matter Agreed

~~ES Chapter 7: Landscape and Visual [APP-145]¶
ES Addendum [REP5-062]~~

~~ES Chapter 7: Landscape and Visual [APP-145]¶
ES Addendum [REP5-062]~~

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<p><u>Product Approval Scheme certification system shall be installed.</u></p> <ul style="list-style-type: none"> <u>For the locations identified on ES Figure 12.6, a 'Level 3' (i.e., RSIH -3.5 dB(A) or better), very quiet surfacing material, as defined by Manual of Contract Documents for Highway Works Volume 1 - Specification for Highway Works, Series 0900, Table 9-17, shall be installed on all other new and altered trunk roads and associated slip roads forming part of the Project.</u> <u>For the locations identified on ES Figure 12.6, a 'Level 2' (i.e., RSIH -2.5dB(A) or better), quieter than Hot Rolled Asphalt surfacing material, as defined by Manual of Contract Documents for Highway Works Volume 1 - Specification for Highway Works, Series 0900, Table 9-17, shall be installed on all new and altered local roads forming part of the Project.</u> <p><u>Surface renewal will be undertaken using replacement road pavement on the strategic road network that has a no worse noise emission performance (Highway Authority Product Approval</u></p>	ES Appendix 2.2 (9)	

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 ES Appendix 2.2: Code of Construction Practice [REPS-048]¶

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<i>Scheme certification values) than that laid for the Project's opening.</i>		
Impacts	2.1.12 RRE	Increased use of traffic at A229 Blue Bell Hill could create future pressure for this route to be widened <u>and would likely require junction improvements.</u> This is also likely to have impacts on the road links between Dover and Folkestone which would impact on the landscape of the Kent Downs AONB. <u>The AONB Unit considers this likely impact on the Kent Downs AONB to be unacceptable.</u>	The Applicant acknowledges the concern raised by the AONB Unit. The Traffic Forecasts Non-Technical Summary presents the forecast percentage change in flow as a result of the Project, and an increase is predicted along the A229. Any future development of the A229, as proposed by Kent County Council, would be subject to the requirements of the National Planning Policy Framework, <u>or NPSNN</u> which only allows for development in exceptional circumstances and where it can be demonstrated that it is in the public interest. The Applicant is currently in joint discussions with relevant authorities about the proposed improvement works at this location in accordance with its licence obligations to work with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.	Traffic Forecasts Non-Technical Summary [APP-528] Wider Network Impacts Management and Monitoring Plan [Document Reference 7.12 (2)] ES Addendum [Document Reference 9.8 (9)]	Matter <u>Not Agreed.</u>

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Moved down [2]: Improvements to the A229 at the intersections with the M2 and M20 are not part of the Project and are therefore assessed in ES Chapter 16: Cumulative Effects Assessment.¶

Moved down [1]: The AONB Unit would expect the proposed works to be assessed in the Lower Thames Crossing ES.

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Moved down [3]: ES Chapter 16: Cumulative Effects Assessment [APP-154]¶

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This matter is subject to ongoing discussion.

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Impacts	2.1.43 (DL9)	<u>The AONB Unit would expect the proposed works to be assessed in the Lower Thames Crossing ES.</u> <u>The AONB Unit originally requested that this assessment should be undertaken within the individual chapters of the ES (for example landscape, terrestrial biodiversity etc), however does now accept that this has been assessed as part of ES Chapter 16: Cumulative Effects Assessment as it does not form part of the Project.</u>	<u>Improvements to the A229 at the intersections with the M2 and M20 are not part of the Project and are therefore assessed in ES Chapter 16: Cumulative Effects Assessment.</u>	ES Chapter 16: Cumulative Effects Assessment [APP-154]	Matter Agreed
Impacts	2.1.13	Any diversions of routes should not degrade the experience of users and the connectivity of the WCH network.	Any WCH routes severed during construction would be re-linked across the Project unless better quality routes can be provided in the vicinity, for example where a route can be rationalised to better link communities with destinations, or realignment of routes to provide better connectivity into the existing WCH network. Consideration has been given to the experience of users and maintaining connectivity with the creation of pleasant routes between Shorne Woods Country Park, Ashenbank Wood and Jeskyns Community Woodland, linked with existing routes from Gravesend (as detailed in	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document Reference 9.8 (9)] Design Principles [Document Reference 7.5 (7)]	Matter Agreed

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 ES Addendum [\[REP5-062\]](#)
 Design Principles [\[REP4-146\]](#)

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			Design Principle PEO.09 'WCHs south of the Thames'). Public Rights of Way (PRoWs) NS167 and NS169 would be integrated into a new circular WCH route connecting around the M2/A2/A122 Lower Thames Crossing junction. Between Claylane Wood and Shorne Woods Country Park, this would be via a new green bridge at Thong Lane.		
Impacts	2.1.14 RRE	The revised access to the Harlex Haulage Depot presented in the Community Impacts Consultation would result in further encroachment into a currently undeveloped part of the AONB which has high landscape character and value. This would result in urbanising effects on the AONB. The revisions also omit previously proposed woodland planting. Any access to the Harlex Haulage Depot should be located as close to the A2 as possible to minimise encroachment into this undeveloped part of the AONB. The AONB Unit does not agree with the proposed location of the access road.	The access to the Harlex Haulage Depot is located as close to the A2 corridor as possible while maintaining a safe design and junction. The access has been designed with stakeholder feedback from the haulage operator to ensure the design facilitates their operations. The proposed woodland planting adjacent to the Harlex Haulage Depot is in line with that proposed in December 2020 and as detailed in the Environmental Masterplan (ES Figure 2.4).	ES Figure 2.4: Environmental Masterplan [Document Reference 6.2 ES Figure 2.4 Sections 1 and 1a (4), Section 2 (5), Section 3 (4), Section 4 (2), Section 9 (6), Section 10 (4), Section 11 (3), Section 12 (3), Section 13 (3), Section 14 (3)]	Matter Not Agreed

Deleted: ES Figure 2.4: Environmental Masterplan [REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031]

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Impacts	2.1.15 RRE	The AONB Unit has concerns about the proposed location of the construction compound directly adjacent to the AONB, which would result in the loss of Gravelhill Wood. This mature woodland is consistent with local landscape character and shares the characteristics of the adjacent AONB, comprising part of the wooded ridgeline. Removal of the woodland would also open up views of the complicated, multi-level junction with the A2 to the adjacent AONB. The AONB Unit opposes the loss of this woodland. Notwithstanding their objection to the removal of the woodland, the AONB Unit considers that the most appropriate restoration would be to replace the removed woodland.	The construction of the new M2/A2/A122 Lower Thames Crossing junction and associated utilities diversions would result in the loss of Gravelhill Wood. A block of woodland planting is proposed on the embankment to the east of the junction which would provide some screening, in conjunction with the false cutting along the A122 to A2 eastbound slip road, to help mitigate the visual impact on the AONB. The Applicant shared draft landscape cross-sections through the M2/A2/A122 Lower Thames Crossing junction with the AONB Unit on 10 May 2023 to support this ongoing engagement.	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document Reference 9.8 (9)]	Matter Not Agreed
Impacts	2.1.40 (DL1) RRN	The AONB Unit considers that the level of harm to the AONB is under assessed in some cases in the landscape and visual impact assessment, in particular in respect of the reported effects at design year, but also in respect of some of the opening year effects, mainly as a result of what we consider to be under assessment of magnitude of change. This consequently leads to	The methodology for the landscape and visual impact assessment is set out in Section 7.3 of ES Chapter 7: Landscape and Visual and ES Appendix 7.2: Landscape and Visual Assessment Methodology and has been appropriately applied to assess the realistic worst-case effects likely to arise from the Project on the landscape character and visual amenity of the Kent Downs AONB.	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document	Matter Not Agreed

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ES Addendum [REPS-062]

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		under-estimated residual significance of effects for the receptors. The AONB Unit also considers that the impacts reported in ES Appendix 7.13: Views from the Road Assessment are under assessed in respect of views from within the AONB, both in respect of the sensitivity of the receptor and the predicted magnitude of change at construction, Year 1 and the design year.	<p>These realistic worst-case effects are set out in ES Appendix 7.9: Schedule of Landscape Effects and ES Appendix 7.10: Schedule of Visual Effects. The landscape character and views from the Kent Downs AONB are already impacted by the existing M2/A2 corridor and this has been taken into consideration in the landscape and visual impact assessment.</p> <p>Landscape and visual effects at design year have been assessed with regard to the mitigation that would be provided by the proposed planting shown on ES Figure 2.4: Environmental Masterplan Sections 1 & 1A (1 of 10), Section 2 (2 of 10) and Section 3 (3 of 10), allowing for the effect of 15 years growth.</p> <p>The sensitivity of visual receptors within ES Appendix 7.13: Views from the Road Assessment has been based on Design Manual for Roads and Bridges LA 107 Landscape and visual effects¹, where users of main roads are identified as being of low sensitivity. The assessment of the</p>	<p>Reference 9.8 (9)</p> <p>ES Appendix 7.2: Landscape and Visual Assessment Methodology [APP-377]</p> <p>ES Appendix 7.9: Schedule of Landscape Effects [Document Reference 6.3 ES Appendix 7.9 (2)]</p> <p>ES Appendix 7.10: Schedule of Visual Effects [Document Reference 6.3 ES Appendix 7.10 (2)]</p> <p>ES Figure 2.4: Environmental Masterplan [Document Reference 6.2</p>	

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 ES Addendum [\[REPS-062\]](#)

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¹ Highways England (2020). Design Manual for Roads and Bridges, LA 107 Landscape and visual effects. Revision 2. Accessed May 2023.
<https://www.standardsforhighways.co.uk/tses/attachments/bc8a371f-2443-4761-af5d-f37d632c5734?inline=true>.

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			magnitude of change in views reported in ES Appendix 7.13 takes into consideration the effect of existing highway infrastructure on the views of road users traveling along the M2/A2 corridor within the Kent Downs AONB.	ES Figure 2.4 Sections 1 and 1a (4), Section 2 (5), Section 3 (4), Section 4 (2), Section 9 (6), Section 10 (4), Section 11 (3), Section 12 (3), Section 13 (3), Section 14 (3)] ES Appendix 7.13: Views from the Road Assessment [APP-388]	
Mitigation	2.1.16 RRE	The proposed mitigation south of the Thames is inadequate in view of the scale of impact and significant residual harm that would result to the Kent Downs AONB.	The Applicant has followed the mitigation hierarchy of avoid, mitigate, compensate to minimise the impact to the Kent Downs AONB and has reported residual significant effects within ES Chapter 7: Landscape and Visual. In accordance with this, impacts to ancient woodland and veteran trees have been avoided wherever practicable, and have significantly reduced since the Supplementary Consultation in 2020, for example through engagement with Statutory Undertakers on utilities	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document Reference 9.8 (9)] ES Appendix 2.2: Code of	Matter Not Agreed

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			<p>proposals. For example, REAC Commitment LV013 'Designated/protected trees and hedgerows, utilities' commits to using trenchless installation methods to avoid the removal of ancient woodland where reasonably practicable (Code of Construction Practice (ES Appendix 2.2)).</p> <p>The Applicant has included a robust and appropriate package of mitigation at a landscape scale, including substantial areas of land for woodland planting (including ancient woodland mitigation planting), nitrogen deposition compensation planting and other ecological habitats, which support improved habitat connectivity within the wider landscape. The landscape scale approach taken by the Project is based on guidance received from the Department for Environment, Food and Rural Affairs (Defra) family at Statutory Consultation in the document 'Defra Family Potential Environmental Legacy Projects'.</p> <p>The potential for mitigation alongside the A2/M2 is limited due to restricted space for planting and the constraints</p>	<p>Construction Practice [Document Reference 6.3 ES Appendix 2.2 (9)]</p>	

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 ES Addendum [\[REP5-062\]](#)
 ES Appendix 2.2: Code of Construction Practice [\[REP5-048\]](#)

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			of the utility corridors within vicinity of the A2/M2 corridor. .		
Mitigation	2.1.17 RRE	It is disappointing more replacement planting is not proposed within the Kent Downs AONB. Mitigation further afield within the boundary of the Kent Downs AONB could help to further mitigate impacts to the Kent Downs AONB.	<p>The Applicant has proposed areas of planting both within and adjacent to the Kent Downs AONB with the aim of planting as close as possible to where the impact is and to reduce impacts to the setting of the Kent Downs AONB. There are additional constraints within the Kent Downs AONB, for example heritage considerations and conservation areas where the setting could be negatively impacted by woodland planting. Areas of replacement planting have therefore been designed within these constraints.</p> <p>A 70ha site (Blue Bell Hill) and a 10ha site (Burham) were originally included within the Kent Downs AONB as part of the proposed nitrogen deposition compensation package.</p> <p>However, ongoing engagement with the landowner of the sites highlighted new information about the implications of the proposals on the farm business, and a newly agreed Countryside Stewardship Scheme. As part of the initial site selection process for NDep compensation, sites with a significant ecological value (for example land in</p>	<p>ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)]</p> <p>ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)]</p> <p>ES Addendum [Document Reference 9.8 (9)]</p> <p>oLEMP [Document Reference 6.7 (7)]</p> <p>Procedural Decision [PD-031]</p> <p>First Change Application [CR1-002]</p>	Matter Not Agreed

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 oLEMP [\[REP4-140\]](#) ¶

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			<p>Countryside Stewardship Schemes) were discounted.</p> <p>In response, the Applicant identified an opportunity to make modifications to the Burham (Works No. E2) and Blue Bell Hill (Works No. E1) nitrogen deposition compensation sites to reduce the amount of land to be taken while still providing sufficient compensation. No new or different likely significant adverse effects are anticipated to result from these changes during either construction or operation.</p> <p>Following a public consultation, the Applicant submitted a change application on 2 August 2023 to remove the Burham site from the Order Limits, and to reduce the Blue Bell Hill site by 29ha. A procedural decision to accept the change into the examination was received on 29 August 2023. The area of significantly affected habitat across the Project would be 176.4ha and the total area of compensation is 205ha following these changes. This represents a comparable and appropriate level of compensation.</p> <p>The retained 43ha at Blue Bell Hill is the land which maximises the</p>		

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			<p>ecological connectivity, and therefore the Blue Bell Hill site continues to provide a robust ecological connection to existing woodland (as detailed in items 2.1.32 and 2.1.33) and therefore its nitrogen deposition compensation function.</p> <p>The Blue Bell Hill site comprises woodland planting and open mosaic habitat and aligns with an area which was historically wooded. The Applicant has consulted with Kent Downs AONB Unit to ensure these habitat types align with the AONB Unit's aspirations and management plan objectives. Due to this substantial area of proposed new woodland habitat remaining in the reduced Order Limits, the significant beneficial landscape effect on the Mid Kent Downs (sub area Bredhurst) during operation would remain, as reported in the First Change Application.</p> <p>The First Change Application also reports a beneficial visual effect at representative viewpoint NDep-RV-08, although this would no longer be considered significant due to the proposed reduction in the area of new woodland habitat and therefore the</p>		

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			<p>extent of change to the existing view during operation.</p> <p>The detailed design of the nitrogen deposition compensation sites will be developed through the outline Landscape and Ecology Management Plan (oLEMP) Advisory Group, which the AONB Unit will be a member of.</p> <p>The Applicant has now agreed an additional compensatory enhancement fund with the AONB Unit as detailed in item 2.1.26.</p>		
Mitigation	2.1.36 (DL1) RRN	Where mitigation planting is proposed within the AONB, it does not always reflect landscape character, such as on former parkland north of Park Pale.	<p>Project Design Report, Part D: General Design South of the River discusses the approach to the Project design, including where the design has considered the Kent Downs AONB. The Design Principles include several clauses requiring that the detailed Project design be reflective of the landscape character of the Kent Downs AONB, including:</p> <ul style="list-style-type: none"> • Principle S1.06 that requires the detailed design of the landscape mitigation to complement and strengthen the existing character of the Kent Downs AONB. • Principle S1.07 that requires use of a diverse palette of native shrub and tree species characteristic of 	<p>Project Design Report, Part D: General Design South of the River [APP-509] Design Principles [Document Reference 7.5 (7)] ES Figure 2.4: Environmental Masterplan [Document Reference 6.2 ES Figure 2.4 Sections 1 and 1a (4), Section</p>	<p>Matter Not Agreed</p>

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			<p>the local landscape character and of local provenance within the Kent Downs AONB and its setting, in accordance with the Kent Downs AONB Landscape Design Handbook.</p> <ul style="list-style-type: none"> Principle S1.09 that requires proposed retaining structures and bridge abutments within the Kent Downs AONB and its setting, to be either green walls, earth banks, or clad with hard materials in accordance with the Kent Downs AONB Landscape Design Handbook and be reflective of the local vernacular. <p>Ancient woodland compensation planting is proposed to the north of Park Pale bridge, to the east of Shorne Woods Country Park, as shown on ES Figure 2.4: Environmental Masterplan Sections 1 & 1A (1 of 10). Principle S1.08 of the Design Principles requires the design of this woodland to retain key views from the upper slopes of the new woodland planting area across the M2/A2 corridor to the Damley Mausoleum within Cobham Park Registered Park and Garden of</p>	<p>2 (5), Section 3 (4), Section 4 (2), Section 9 (6), Section 10 (4), Section 11 (3), Section 12 (3), Section 13 (3), Section 14 (3)</p>	

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ES Figure 2.4: Environmental Masterplan [[REP4-124](#), [REP3-098](#), [REP2-018](#), [APP-162](#), [REP4-127](#), [REP4-129](#), [REP2-024](#) to [REP2-031](#)]

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			Special Historic Interest, as well as views to the wider Kent Downs AONB. The requirement for the design to be in accordance with the Design Principles would ensure that planting within the AONB will be reflective of the landscape character of the Kent Downs AONB.		
Mitigation	2.1.18	The AONB Unit initially requested further detail on the design of the proposed Park Pale acoustic barrier and expressed concerns about its potential urbanising effect. The AONB Unit now welcomes the removal of the Park Pale acoustic barrier from the design.	Following engagement with the AONB Unit and Natural England, and in response to their concerns about the potential urbanising effect of the Park Pale acoustic barrier, it has now been removed from the design.	N/A	Matter Agreed
Mitigation	2.1.19	Advanced planting should be established, ideally before the impact had occurred.	Advanced woodland planting would be undertaken as early in the programme as practicable, as set out in REAC Commitments LV029 'Landscape Planting' and TB001 'Hedgerow Replacement' (Code of Construction Practice (ES Appendix 2.2)).	ES Appendix 2.2: Code of Construction Practice [Document Reference 6.3 ES Appendix 2.2 (9)]	Matter Agreed
Mitigation	2.1.20	The AONB Unit supports the upgrading of WCH routes and the proposal to reinstate any PRoW that would be affected by the Project.	The Project Design Report incorporates a WCH strategy that seeks to reconnect severed links by way of overbridges or underpasses as	Project Design Report [APP-506 to APP-515]	Matter Agreed

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			close to their original alignment as practicably possible.		
Mitigation	2.1.21	The Kent Downs AONB Unit would like early sight of the Environmental Masterplan.	The draft Environmental Masterplan (ES Figure 2.4) was issued to the AONB Unit on 05 June 2020 and 01 December 2020. The updated GIS layer containing the environmental design was also issued to the AONB Unit on 28 April 2022.	ES Figure 2.4: Environmental Masterplan [Document Reference 6.2 ES Figure 2.4 Sections 1 and 1a (4), Section 2 (5), Section 3 (4), Section 4 (2), Section 9 (6), Section 10 (4), Section 11 (3), Section 12 (3), Section 13 (3), Section 14 (3)]	Matter Agreed
Mitigation	2.1.22 RRE	The AONB Unit supports the creation of green bridges. Their initial view was that the design should focus on WCH experience, which should be through the 'green' area. However, the AONB Unit now accepts that the WCH route is located at the edge of the 'green' to provide ecological connectivity. The AONB Unit would like the green bridges to be wider than those proposed.	green bridge designs have been discussed in detail with the AONB Unit, including at a meeting with the AONB Unit and Natural England in May 2022, a site visit in July 2022 and a meeting on 27 June 2023. The Applicant has presented its rationale for locating the WCH route at the edge of the 'green', to provide a robust vegetated area for the movement of animals.	ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] ES Addendum [Document Reference 9.8 (9)]	Matter Not Agreed

~~ES Figure 2.4: Environmental Masterplan [REP4-124, REP3-098, REP2-018, APP-162, REP4-127, REP4-129, REP2-024 to REP2-031]~~

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<p><u>The request to widen green bridges was discussed at Issue Specific Hearing (ISH) 6 as detailed in Post-event submissions, including written submission of oral comments, for ISH6. A further commentary as to the feasibility of any scope to widen green bridges which would not significantly alter the linear extent of structures can be found in Annex A of Post-event submissions, including written submission of oral comments for ISH11. The assessment concludes that further widening of green bridges is not practicable due to a number of constraints including:</u></p> <ul style="list-style-type: none"> <u>• Constraints associated with existing Project Order Limits, areas of permanent land-take and limits of deviation (LOD) associated with the horizontal and vertical alignments of both the bridge and highways structures that they cross (e.g. the A2 mainline, on and off slips, local connector roads)</u> <u>• Requirement to align with utility diversions and associated LODs for these works, particularly where they are immediately adjacent to</u> 	<p><u>Design Principles [Document Reference 7.5 (7)]</u> <u>Post-event submissions, including written submission of oral comments, for ISH6 [REP4-182]</u> <u>Post-event submissions, including written submission of oral comments, for ISH11 [Document Reference 9.187]</u></p>	

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 Design Principles [REP4-146]

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			<p><u>or are located within green bridge structures</u></p> <ul style="list-style-type: none"> <u>Proximity of designated sites and habitats and third-party assets and associated infrastructure (e.g. HS1)</u> <u>Programme implications – specifically relating to durations for local road closures and online contraflow for the A2 corridor</u> <p><u>Value for money benefits associated with any further widening,</u></p>		
Mitigation	2.1.23	The AONB Unit's colour design guide should be consulted in the design of structures located within the AONB.	The Applicant has included reference to the AONB Unit's colour design guide in Design Principle STR.06 'Project enhanced structures: consistent design approach'.	<u>Design Principles [Document Reference 7.5 (7)]</u>	Matter Agreed
Mitigation	2.1.24	Green bridge designs should be sensitive to the landscape within which they are located, for example use of flint and ragstone cladding.	The Applicant has committed to Design Principle STR.06 'Project enhanced structures: consistent design approach' which states that <i>'within and close to the Kent Downs AONB, materials will be self-finished, minimising maintenance while being consistent and appropriate to the colour palette required in the Kent Downs AONB.'</i>	<u>Design Principles [Document Reference 7.5 (7)]</u>	Matter Agreed

Deleted: Green bridge designs were discussed further at a meeting on 27 June 2023.

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Mitigation	2.1.25	The ongoing maintenance of compensation and mitigation will be important.	Noted. Following construction, monitoring of newly created habitats would be undertaken in accordance with the oLEMP. This would outline the required maintenance operations, control measures and frequency of monitoring surveys to ensure the successful establishment of habitats. This will be monitored by the oLEMP Advisory Group which the AONB Unit will be a member of.	oLEMP [Document Reference 6.7 (7)]	Matter Agreed
Mitigation	2.1.39 (DL1) RRN	The AONB Unit is supportive of measures incorporated into the oLEMP (Application Document 6.7) which has been developed with input from the AONB Unit. However, the AONB Unit is concerned not to be identified as a relevant Stakeholder with whom the LEMP is to be developed further, as set out at paragraph 2.16 and Table 2.1 of the oLEMP (Application Document 6.7). The AONB Unit is now satisfied to be included as a consultee in Table 2.1 of the oLEMP.	The stakeholders identified for consultation during the further development of the LEMP mirrored those identified for consultation on the subsequent iterations of the Code of Construction Practice, where Natural England provide statutory advice in relation to development proposals that affect the Kent Downs AONB as well as other designated sites, habitats and protected species. However, the Applicant would welcome the inclusion of the Kent Downs AONB Unit in the further development of the LEMP and has therefore updated the oLEMP to include the AONB Unit as a named consultee in Table 2.1.	oLEMP [Document Reference 6.7 (7)]	Matter Agreed

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Compensation	2.1.26 RRE	<p><u>As the significant impacts to the Kent Downs AONB cannot be fully mitigated, and</u> The AONB Unit does not agree that the reduced Blue Bell Hill site is sufficiently large to provide compensatory enhancements for the AONB, the AONB Unit has requested that monetary compensation in the form of a grant scheme should be provided.</p> <p><u>The Kent Downs AONB Unit has reluctantly accepted National Highways' financial contribution and terms of payment for the compensatory enhancement fund, as confirmed in ISH11 [REP8-145] although consider a higher figure could have been agreed if negotiations on an appropriate figure had commenced earlier.</u></p>	<p>The Applicant has included a 43ha nitrogen deposition site at Blue Bell Hill, which would still provide compensatory enhancements for the AONB Unit, as detailed in item 2.1.17. In addition, the Applicant <u>has worked</u>, collaboratively with the AONB Unit to consider their suggestions for additional compensatory enhancement measures.</p> <p>The Applicant shared a draft Heads of Terms for a compensatory enhancement fund with the AONB Unit on 31 August 2023 which was discussed at a meetings held on 3 and 16 October 2023. The Applicant <u>welcomed</u> discussions on this matter, which <u>included</u> a meeting on 25 October 2023.</p> <p><u>The Kent Downs AONB Unit and the Applicant have now agreed the compensatory enhancement fund. A section 106 agreement could not be reached between the Applicant and Kent County Council because of other matters that the Applicant was not prepared to include in the section 106 agreement. Planning obligations are therefore presented in the form of a unilateral undertaking which secures</u></p>	<p>ES Chapter 8: Terrestrial Biodiversity <u>[Document Reference 6.1 ES Chapter 8 (2)]</u>, <u>ES Addendum [Document Reference 9.8 (9)]</u> First Change Application <u>[CR1-002]</u> <u>Kent Downs AONB response to Written submission of oral comments made incorporating additional comments, in respect of ISH11 – Environment Matters [REP8-145]</u></p>	Matter <u>Agreed</u> ,

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			the compensatory enhancement fund from the Applicant to Kent County Council.		
Terrestrial biodiversity					
Impacts	2.1.27	<p>The loss of Ancient Woodland and Sites of Special Scientific Interest (SSSI) is considered wholly unacceptable and the AONB Unit maintains its objection in the strongest possible terms.</p> <p>The AONB Unit does however acknowledge that discussions with Statutory Undertakers have reduced impacts since the Supplementary Consultation in 2020 although remain greater than the Project originally consulted on in 2016 and 2018.</p>	<p>The Applicant recognises the level of protection given to SSSIs and ancient woodland in the NPSNN (paragraphs 5.28, 5.29, and 5.32) and believes the Project meets the NPSNN test.</p> <p>The Project has been designed to minimise adverse effects on these habitats.</p> <p>The Applicant is working with Statutory Undertakers to further reduce encroachment into ancient woodland wherever practicable. Significant improvements have been made since the Supplementary Consultation in 2020.</p> <p>Where adverse effects are unavoidable, the Applicant's strategy to offset these is considered to be in line with the approach agreed with Natural England. Ancient woodland compensation planting has been proposed as part of the mitigation strategy and supports improved habitat connectivity within the wider landscape.</p>	<p>Planning Statement [Document Reference 7.2 (2)]</p> <p>ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)]</p> <p>ES Addendum [Document Reference 9.8 (9)]</p>	Matter Not Agreed

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Impacts	2.1.28	<p>The AONB Unit would like to understand the exact area of ancient woodland loss resulting from the Project.</p> <p>The AONB Unit acknowledges that this is presented in ES Chapter 8: Terrestrial Biodiversity (Application Document 6.1).</p> <p>The AONB Unit has subsequently asked for a breakdown of ancient woodland loss and compensation located within the Kent Downs AONB, which has now been received.</p>	<p>The Applicant shared a breakdown of ancient woodland loss with the AONB Unit on 17 June 2020. Updates have subsequently been provided at technical meetings held between the AONB Unit and Natural England.</p> <p>ES Chapter 8: Terrestrial Biodiversity details the area of ancient woodland loss resulting from the Project.</p> <p>The Applicant shared the breakdown of woodland loss and compensatory planting located within the AONB with the AONB Unit on 30 August 2023.</p>	<p>ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)]</p> <p>ES Addendum [Document Reference 9.8 (9)]</p>	Matter Agreed
Mitigation	2.1.29	<p>It is not possible to replace Ancient Woodland as it takes hundreds of years to establish and is defined as an irreplaceable habitat.</p>	<p>The Applicant acknowledges that it is not possible to replace ancient woodland and recognises the level of protection afforded to it (as detailed in item 2.1.27). The landscape strategy for new areas of woodland planting aims to link areas of retained ancient woodland to improve connectivity and reduce fragmentation effects, which would provide wider biodiversity benefits (further details are available in ES Chapter 7: Landscape and Visual). REAC Commitment TB028 also commits to ancient woodland soil translocation (Code of Construction Practice (ES Appendix 2.2)).</p>	<p>ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)]</p> <p>ES Addendum [Document Reference 9.8 (9)]</p> <p>ES Appendix 2.2: Code of Construction Practice [Document</p>	Matter Agreed

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
				Reference 6.3 ES Appendix 2.2 (9)	
Nitrogen deposition					
Impacts	2.1.30	Woodland is particularly susceptible to and could be affected by changes in the nitrogen deposition as a result of changing traffic flows. The AONB Unit welcomes the inclusion of an assessment of potential impacts from nitrogen deposition on designated sites as a result of changes to traffic flows arising from the Lower Thames Crossing.	The effect of nitrogen deposition changes from the Project on woodlands has been fully assessed in ES Chapter 8: Terrestrial Biodiversity and the Habitats Regulations Assessment.	ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)] ES Addendum [Document Reference 9.8 (9)] Habitats Regulations Assessment [APP-487 and APP-488]	Matter Agreed
Compensation	2.1.31 RRE	The AONB Unit supports the general approach to nitrogen deposition compensation, which is proposed, to use a landscape scale approach rather than creating multiple, small new sites and agree that this is likely to provide wider ecological benefits as well as potential improvements	The approach to nitrogen deposition compensation and the site selection methodology has been agreed with the AONB Unit.	ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)]	Matter Agreed

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 ES Addendum [\[REP5-062\]](#)
 ES Appendix 2.2: Code of Construction Practice [\[REP5-048\]](#)

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
		both visually and ecologically at a landscape scale. The AONB Unit also agrees with the habitat site selection methodology that was devised to select appropriate sites.		ES Addendum [Document Reference 9.8 (9)] Habitats Regulations Assessment [APP-487 and APP-488]	
Compensation	2.1.32 RRE	The AONB Unit notes that the majority of sites likely to be affected by increased nitrogen deposition are located within the Kent Downs AONB and many of these are located on the actual escarpment of the North Downs, the main target of the original AONB designation. The AONB Unit is disappointed that less than half of the total proposed compensation area is proposed in the Kent Downs AONB, which does not appear to provide for equivalent compensation to potential assessed harm to the biodiversity rich habitats of the AONB itself.	The Applicant has taken a landscape scale approach to nitrogen deposition compensation, to enable predominantly wooded enhanced ecological connectivity. Nitrogen deposition compensation sites were selected using a robust site selection methodology agreed with the Kent Downs AONB Unit and Natural England. The methodology included an assessment of the ecological suitability of land parcels using a proximity analysis. This considered proximity and therefore connectivity to other important existing ecological features (located both inside and outside of the AONB), planting provided by the Project as part of the landscape design and the area affected by potentially significant	ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)] ES Chapter 5: Air Quality [APP-143] ES Addendum [Document Reference 9.8 (9)] ES Appendix 5.6: Project Air Quality Action Plan [APP-350] First Change Application [CR1-002]	Matter Not Agreed

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			<p>nitrogen deposition changes. The size of the land parcel was also considered, with larger land parcels being categorised as more suitable than smaller ones.</p> <p>The land parcels were then reviewed by a multi-disciplinary group of specialists, to assess the potential opportunities and constraints for each site to refine the site selection. Factors considered include cultural heritage, landscape (including the AONB management plan), utilities, land referencing and planning. The sites were further refined following the Local Refinement Consultation held in 2022.</p> <p>Suitable sites identified through this process which are located entirely within the AONB were the Blue Bell Hill and Burham sites. Additionally, the site to the south of Shorne lies partially within the AONB, However, as detailed in item 2.1.17, following a public consultation, the Applicant submitted a change application on 2 August 2023 to remove the Burham site from the Order Limits, and to reduce the Blue Bell Hill site by 29ha. A procedural decision to accept the</p>		

Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
			change into the examination was received on 29 August 2023. The Applicant has now agreed an additional compensatory enhancement fund , with the AONB Unit as detailed in item 2.1.26; however, there remains disagreement between the Applicant and the AONB Unit that additional compensation for harm to impacts from nitrogen deposition to designated sites in the AONB should be made.		
Compensation	2.1.33 RRE	The AONB Unit supported the original proposed nitrogen deposition compensation sites at Burham and Blue Bell Hill however, since the removal of the Burham site, and reduction in the size of the Bluebell Hill site (detailed in 2.1.17), the scale of compensation sites in the AONB has been substantially reduced and no longer represents a landscape scale enhancement for the AONB. The AONB Unit has however now agreed the compensatory enhancement fund with the Applicant as detailed in 2.1.26 , however there remains disagreement between the Applicant and the AONB Unit that additional compensation for harm to	As detailed in item 2.1.17, following a public consultation, the Applicant submitted a change application on 2 August 2023 to remove the Burham site from the Order Limits, and to reduce the Blue Bell Hill site by 29ha. A procedural decision to accept the change into the examination was received on 29 August 2023. The retained 43ha at Blue Bell Hill is the land which maximises the ecological connectivity, and therefore the Blue Bell Hill site continues to provide a robust ecological connection to existing woodland (as detailed in items 2.1.32 and 2.1.33) and a significant beneficial landscape effect on the Mid Kent Downs (sub area	ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)] , ES Addendum [Document Reference 9.8 (9)] Habitats Regulations Assessment [APP-487 and APP-488]	Matter Not Agreed ,

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
		<u>impacts from nitrogen deposition to designated sites in the AONB should be made.</u>	Bredhurst) during operation, due to the substantial area of proposed new woodland habitat at Blue Bell Hill, as reported in the First Change Application. The Applicant <u>has now agreed the additional compensatory enhancement fund</u> , with the AONB Unit as detailed in item 2.1.26; <u>however, there remains disagreement between the Applicant and the AONB Unit that additional compensation for harm to impacts from nitrogen deposition to designated sites in the AONB should be made.</u>	First Change Application [CR1-002]	
Compensation	2.1.34	The AONB Unit provided comments on the oLEMP management requirements relating to the Blue Bell Hill nitrogen deposition compensation site. The AONB Unit agrees that their requested changes have been incorporated, and the AONB Unit is now satisfied with the oLEMP management requirements for this site. The AONB Unit is also satisfied that the development of the design would be undertaken through the oLEMP Advisory Group, which they would be a member of.	The Applicant has consulted the AONB Unit and Natural England on proposed oLEMP management requirements for the Blue Bell Hill nitrogen deposition mitigation site and has updated these to reflect stakeholder feedback. The Applicant has proposed to develop the design of the site through the oLEMP Advisory Group, which the AONB Unit would be a member of.	<u>oLEMP [Document Reference 6.7 (7)]</u>	Matter Agreed

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Topic	Item No.	Kent Downs AONB Unit Comment	The Applicant's Response	Application Document Reference	Status
Compensation	2.1.35 RRE	<p>The AONB Unit is disappointed that following the Local Refinement consultation, the site at Blue Bell Hill was reduced by 30ha.</p> <p>The AONB Unit is also disappointed that the Applicant has removed the Burham nitrogen deposition compensation site, and has further reduced the Blue Bell Hill site by 29ha, and does not support these changes.</p>	<p>The Applicant considered stakeholder and landowner feedback from the 2022 Local Refinement Consultation and took the decision to reduce the land-take in the Blue Bell Hill compensation field by 30ha, and to add a 10ha site at Burham.</p> <p>As detailed in 2.1.17, following a public consultation, the Applicant submitted a change application on 2 August 2023 to remove the Burham site from the Order Limits, and to reduce the Blue Bell Hill site by 29ha. A procedural decision to accept the change into the examination was received on 29 August 2023.</p> <p>The retained 43ha is the land which maximises the ecological connectivity, and therefore the Blue Bell Hill site continues to provide a robust ecological connection to existing woodland (as detailed in items 2.1.32 and 2.1.33) and therefore its nitrogen deposition compensation function. The Applicant has also included additional landscape focused oLEMP management requirements as detailed in item 2.1.34. The site therefore offers an enhancement for the AONB at a landscape scale.</p>	<p>ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)] ES Addendum [Document Reference 9.8 (9)] Habitats Regulations Assessment [APP-487 and APP-488] First Change Application [CR1-002]</p>	Matter Not Agreed

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 The Applicant continues to discuss additional compensatory enhancements with the AONB Unit as detailed in 2.1.26.

Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Kent Downs AONB Unit since the DCO Application was submitted on 31 October 2022

Date	Overview of Engagement Activities
16 November 2022	DCO walkthrough presentation to provide stakeholders a summary of where to find relevant DCO Application Documents.
25 November 2022	Stakeholder biodiversity and ecology briefing, including impact, mitigation and compensation proposals and the associated biodiversity value.
29 November 2022	Monthly AONB catch-up to discuss the SoCG.
24 January 2023	Monthly AONB meeting to discuss the Planning Inspectorate's Procedural Decision Note, Service Level Agreements, and green bridges.
20 February 2023	Meeting to discuss a car park and camping barn feasibility study, feedback from the AONB's visit to Blue Bell Hill and the proposed compensatory enhancement package.
07 March 2023	Monthly AONB meeting to discuss the SoCG, the outline specification for the car park and camping barn feasibility study, and Service Level Agreements.
11 April 2023	Monthly AONB meeting to provide feedback on the car park and camping barn feasibility study and the compensatory enhancement objectives.
17 April 2023	Stakeholder Landscape and Ecology Working Group (option A).
03 May 2023	Monthly AONB meeting to discuss the public consultation, the Rule 6 letter and the car park and camping barn feasibility study.
17 May 2023	Stakeholder briefing on the public consultation material.
23 May 2023	Monthly AONB meeting to discuss the public consultation, the SoCG, green bridges, and the examination timetable.
27 June 2023	Monthly AONB meeting to discuss the SoCG, SLA, the car park and camping barn study, green bridges, landscape cross-sections and Local Landscape Character Area boundaries.
23 August 2023	Monthly AONB meeting advising the AONB Unit of the Applicant's intention to provide a compensatory enhancement fund, and to discuss the SoCG.
31 August 2023	Draft Terms of Reference for the AONB's compensatory enhancement fund shared with the AONB Unit for discussion at a meeting on 03 October 2023.
03 October 2023	Monthly AONB Meeting to discuss the draft Heads of Terms for the compensatory enhancement fund shared with the AONB Unit on 31 August 2023.
16 October 2023	Meeting to discuss the draft Heads of Terms for the compensatory enhancement fund.

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<u>31 October 2023</u>	<u>Meeting to discuss the AONB's compensatory enhancement fund.</u>
<u>6 November 2023</u>	<u>Meeting to discuss the AONB's compensatory enhancement fund.</u>
<u>21 November 2023</u>	<u>Meeting to discuss the AONB's compensatory enhancement fund and updates to design principles.</u>
<u>28 November 2023</u>	<u>Meeting to discuss the SoCG.</u>

Appendix B Glossary

Term	Abbreviation	Explanation
Area of Outstanding Natural Beauty	AONB	Statutory designation intended to conserve and enhance the ecology, natural heritage and landscape value of an area of countryside.
Decibels	dB	The unit of measurement used for sound pressure levels and noise levels.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Geographic Information System	GIS	An integrated collection of computer software and data used to view and manage information about geographic places, analyse spatial relationships and model spatial processes.
National Policy Statement for National Networks	NPSNN	The NPSNN sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects on the national road and rail networks in England. It provides planning guidance for promoters of Nationally Significant Infrastructure Projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Outline Landscape and Ecology Management Plan	oLEMP	A document which provides details on the delivery and management of the landscape and ecology elements identified in the Environmental Masterplan for the Project, including their success criteria.
Public Rights of Way	PRoW	A right possessed by the public to pass along routes over land at all times. Although the land may be owned by a private individual, the public may still gain access across that land along a specific route. The mode of transport allowed differs according to the type of Public Right of Way, which can consist of footpaths, bridleways and open and restricted byways.
Register of Environmental Actions and Commitments	REAC	The REAC identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice (Application Document 6.3, ES Appendix 2.2).
Site of Special Scientific Interest	SSSI	A conservation designation denoting an area of particular ecological or geological importance.
Walkers, cyclists and horse riders	WCH	Walkers, cyclists and horse riders

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