Lower Thames Crossing

Planning Inspectorate Reference: TR010032

Deadline 1 Written Representation by

CPRE Kent

Unique Reference Number: 20035769

1.0 Summary of CPRE Kent's Written Representation.

1.1. It is CPRE Kent's overarching view that the adverse environmental and financial impacts of the proposed Lower Thames Crossing Project (LTC Project) clearly outweigh its benefits.

1.2. A summary of our concerns are as follows:

- Reduction in traffic at Dartford crossings would be minimal, perpetuating congestion and pollution.
- New roads generate additional traffic instead of alleviating congestion.
- The LTC Project is clearly at odds with the Government's Net Zero targets.
- Lack of opportunities for modal shift promotes car dependency and discriminates against non-car users.
- Construction and use of the project will have a significant carbon impact, with uncertain measures to limit it.
- Concerns over unreliable cost-benefit analysis, including rising costs and return to pre-project journey times in previous studies.
- The project will harm landscapes, wildlife, habitats (including Green Belt, SSSIs, ancient woodland, and agricultural land).
- Claims that air pollution will be resolved with the phasing out of internal combustion engines are misleading.
- That the LTC project impact upon air quality and habitat degradation because of nitrogen deposition must be weighed heavily against the scheme.
- Impacts on Scheduled Ancient Monuments and listed buildings are unacceptable consequences of the project.

1.0 Introduction

1.1 CPRE Kent welcomed the opportunity to provide oral evidence at the third open floor session held on the 5th of July. However, in recognition that this is a primarily written process, the purpose of our written representation is to expand upon our concerns and provide context to future representations which we may seek to make.

1.2 CPRE Kent is the local branch of the Campaign to Protect Rural England, which is part of national CPRE, the Countryside Charity. Throughout Kent we currently represent 1,450 individual members of which 173 are Parish Councils, local amenity groups and civic societies.

1.3 CPRE Kent is an independent charity that works closely alongside other CPRE branches, as well as the national CPRE organisation. As such the geographic focus of our comments is the southern element of the project.

1.4 It is our objective to retain and promote a beautiful and thriving countryside that is valued by everyone. It is our position that planning decisions should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that development is sustainable in accordance with national planning policy.

1.5 CPRE Kent have engaged with the application since its inception, making representations and raising significant objections at each stage of the pre-application process.

1.6 We have been consistently frustrated throughout this process with us finding at each round of consultation we were only being given information in a piecemeal fashion. This denied us and others the opportunity to make fully informed comments ahead of the submission of the DCO. To CPRE Kent, this was a significant and consistent failing of the pre-application consultation process.

1.7 Regrettably it seems that these concerns persist with the submission of the DCO application. In particular, we are concerned that significant detail appears to be being deferred to the post consent stage and that clear impacts outside of order limits are simply not being considered.

1.8 The consequence of this is that the true cost and impact of the scheme is simply not being accounted for. Given we already do not accept that the project will achieve its strategic objective of reducing congestion at the Dartford Crossing, to us it is clear the project will generate more costs, both financially and environmentally, than benefits.

1.9 This is further compounded by the fact the LTC project is so clearly at odds with the UK Governments commitment to achieving Net Zero. That is, with the known

carbon emissions already amounting to 6.6 million tonnes, the unknown and unaccounted for emissions will clearly exacerbate this further.

1.10 It is therefore CPRE Kent's overarching view that the true adverse impacts of the proposed development clearly and demonstrably outweigh any of the schemes purported benefits. It is against this context that all comments and observations within this statement are made.

2.0 The project will not achieve its strategic objective of reducing congestion at the Dartford Crossing

2.1 We have consistently objected to the principle of a Lower Thames Crossing on the basis that providing additional capacity at the existing Dartford crossing or this location was unacceptable in terms of longer-term induced traffic growth, congestion and reduction in air quality. It remains that we firmly believe that the current proposal fails to achieve its strategic objective of providing additional capacity at the existing Dartford Crossing.

2.2 The existing Dartford Crossing is already operating significantly over capacity. Despite being designed for 135,000 vehicles per day, it is now operating over capacity and is regularly used by over 150,000 vehicles per day. It however is evident that the proposed new crossing will divert only a very small percentage of traffic during peak hours, as low as 4%. We reference Thurrock Council's modelling, which supports this claim and raises doubts about the effectiveness of the project in addressing the congestion issues.

2.3 Even the Lower Thames Crossing project's own model suggests that any advantages brought to the existing Dartford Crossing will disappear within 15 years. This raises concerns about the long-term viability and sustainability of the proposed solution.

2.4 A fundamental reason behind the projected failure of the LTC Project is its failure to consider or provide a holistic solution. By way of one example, the scheme is assuming that traffic from Kent going north of London. will divert from the A20/M20 corridor to the A2/M20 corridor. However, as many commentators are pointing out, it is completely ignoring the critical role of the A229 in linking the A2/M2 and M20/A20 corridors and providing relief at Dartford.

2.5 The lack of improvement to the A229 in the application is just one example of improvements that will be necessary if the scheme is to achieve its desired objective. Numerous similar examples could be pointed to elsewhere in Kent, such as the clear need to undertake significant upgrades to the A2 within the Dover District. The point however is that neither the environmental nor financial implications of such upgrades are currently being considered as part of the case which clearly weighs against the scheme.

2.6 In this respect, to CPRE Kent the scheme represents the continued piecemeal and fragmented approach to infrastructure planning which is of clear detriment to communities across the whole of Kent, though in particular those of North Kent and the Medway Towns. With significant housing requirements being placed

upon these communities, it is clear to CPRE Kent that an open and cohesive approach to strategic planning is required across all administrative boundaries.

2.7 Furthermore, the LTC project is vastly underestimating the potential negative consequences of increasing road capacity. Building more roads will only perpetuate vehicle dependency and contribute to unsustainable levels of traffic growth. The CPRE report 'The end of the road? Challenging the road building consensus', March 2017 reveals that road-building is failing to provide the congestion relief and economic boost promised, while devastating the environment. There is nothing which we have seen so far to convince us the LTC will do anything but devastate the environment whilst failing to provide congestion relief.

2.8 Moreover, it overlooks the holistic solution required to address the congestion issues effectively while disregarding the government's environmental goals and the long-term sustainability of transportation systems.

3.0 Lack of modal shift opportunities.

3.1 As set out within our oral statement given to the Open Floor Hearing 3 session, CPRE Kent believe that we need to be managing our existing road network better rather than expanding it and that it is not possible to build our way to free-flowing roads.

3.2 Therefore, an as an alternative to the Lower Thames Crossing, we support calls for the government to conduct a systematic review of current and future road-building projects to assess their consistency with environmental goals and ensure that decisions do not lock in unsustainable levels of road traffic growth.

3.3 Key to this is prioritising alternative modes of transport and reducing vehicle dependency. Alternative modes of transport, especially for freight, such as rail, tram or ports of access would help address the, then climate change, and now climate crisis issue. Reducing heavy goods vehicles from Kent will help benefit the county's environment and quality of life for residents.

3.4 With respect to rail, we do not consider there has been a proper consideration of rail as an alternative, particularly with respect to freight trips. Currently, the Dover-Calais Sea route across the English Channel accounts for two thirds of trade between Britain and the European Union. Moving this freight onto rail absolutely needs to be a priority and in our view would bring about significantly greater benefits than the LTC project both in terms of reducing congestion on Kents roads but also for the environment.

3.5 Whilst it is already the case Network Rail are proposing to adapt the line to accommodate some oversea freight from Folkestone to Wembley in north London, via Ashford and Maidstone in Kent, unfortunately this is currently a very modest scheme which would still not accommodate the size of standard European freight containers (W12s). It is however understood that for a very modest additional £40m investment, such containers could be accommodated.

Its is CPRE Kents view that surely schemes like this need to be accommodated as a priority over the LTC project.

3.6 With respect to the existing LTC project, we agree with the near unanimous response from the Local Authorities, including Kent and Essex County Council that the lack of public transport provision is a missed opportunity. The fact that the project has not engaged with bus operators demonstrates to CPRE Kent the complete disregard the project gives to the possibility of more sustainable transport options.

3.7 Likewise, we agree much more thought needs to be given to how cyclists can get through the tunnel and all cycling infrastructure must be designed to LTN 1/20 standards.

4.0 Climate impacts:

4.1 The UK Government has committed to ambitious climate targets, including reaching Net Zero Carbon emissions by 2050. These targets are crucial in addressing climate change, mitigating its impacts, and ensuring a sustainable future for generations to come. It is imperative that all government projects align with these targets and actively contribute to their achievement. It is however CPRE Kents view that the LTC project directly contradicts the goal of achieving Net Zero Carbon, making it significantly challenging to reach the targeted carbon reduction levels.

4.2 Most obviously, the construction and operation of the LTC project will inevitably lead to a substantial increase in vehicle emissions. As more vehicles utilize the new crossing, additional greenhouse gases, including carbon dioxide (CO_2) and nitrogen oxides (NOx), will be emitted into the atmosphere. Whilst the official estimate is that the project would emit 6.6 million tonnes of carbon, it is our view that this is a significant underestimate. Significantly, this estimate does not account for the substantial amount of construction and induced traffic which is to occur from the extensive road construction outside the order limits which would be required as a consequence of the LTC being approved.

4.3 Linked and as set out above, induced demand suggests that the construction of new road infrastructure tends to generate more traffic. The LTC project, by providing additional capacity, will likely attract more vehicles to the area, leading to increased traffic volume and associated emissions. This induced traffic demand undermines efforts to reduce carbon emissions and hampers progress towards Net Zero Carbon targets.

4.4 Also as set out above, the LTC project's emphasis on road expansion instead of sustainable transport alternatives is a missed opportunity to encourage low-carbon modes of transportation. By prioritising road-based solutions, the project perpetuates car-dependent lifestyles and discourages the adoption of sustainable transport options such as public transportation, cycling, and walking. This approach directly contradicts the government's commitment to reducing emissions and achieving Net Zero Carbon.

4.5 The LTC, once constructed, will lock in transportation patterns, dependencies, and modes of travel for an extended period. By prioritising road infrastructure over sustainable alternatives, the project risks inhibiting the necessary transition to low-carbon transportation systems and potentially delaying progress towards the Net Zero Carbon targets.

4.6 It is evident that the implementation of the LTC project will have detrimental consequences for the UK Government's ability to achieve its Net Zero Carbon targets. The LTC project's contribution to increased vehicle emissions, induced traffic demand, dis-incentivisation of sustainable transport, lock-in effect, and missed opportunities for carbon reduction all undermine the government's commitment to addressing climate change.

4.7 It is therefore our firm view that, rather than investing in road expansion, the UK Government should prioritise investments and policies that support sustainable transportation. This includes promoting efficient public transport networks, expanding cycling and walking infrastructure, and encouraging the adoption of low-emission vehicles. By focusing solely on road-based solutions, the LTC project overlooks opportunities for significant carbon reduction and impedes the UK Government's progress towards its Net Zero Carbon targets.

4.8 To take such action would not be without precedent as on 14th February 2023 the Welsh government announced the suspension of all major road building over environmental concerns, particularly increased climate impact. For similar reasons Climate Change Committee's progress report published 28th June highlighted the need to conduct a systematic review of current and future road-building projects in order for the government to meet its own carbon budget delivery plan.

5.0 Cost benefit:

5.1 With respect to the whether the project produces a positive Benefit Cost Ratio (BCR) it's our view that the costs associated with the project are being significantly underestimated, while the benefits are being overstated.

5.2 Our main concern is that the assessment is clearly failing to encompass the full extent of costs to the taxpayer resulting from road projects outside of the order limit that will inevitably be required as a consequence of the Lower Thames Crossing. This is because the current cost analysis only takes into account the direct costs of the project within the order limits. This approach overlooks the substantial costs that will be incurred for the construction and maintenance of additional road infrastructure beyond the order limit. These costs should be factored into the overall evaluation to provide a comprehensive understanding of the financial implications for the taxpayer.

5.3 In addition, and as raised at the issue specific 1 hearings, it would seem that the calculations within the assessment are already flawed, particularly regarding assumptions made regarding inflation. Given the dynamic nature of economic conditions, it is crucial to use accurate and up-to-date data when projecting future

costs and benefits. Failing to do so undermines the credibility and reliability of the analysis, potentially leading to inaccurate conclusions.

5.4 We also recognise the concerns raised by others that there is a disproportionate emphasis on individual impacts, rather than considering the broader implications of the scheme holistically. The analysis tends to isolate impacts within specific topics, neglecting to address their cumulative effects when combined.

5.5 The consequence is that the information being provided is convoluted and difficult to understand, making it challenging for interested individuals to grasp the true implications of the project.

6.0 Damage to landscape, habitats and wildlife

6.1 While we acknowledge the proposed mitigation and compensation plans, the project will nevertheless cause considerable harm to the landscape, wildlife (including protected species) and habitats including Green Belt, SSSIs, ancient woodland and Best and Most Versatile agricultural land.

6.2 The accepted environmental impacts of the project are substantial. These are summarised within the Environmental Statement (Application Document Ref: TR010032/APP/6.1). The following are of particular concern to CPRE Kent:

- Loss of Best and Most Versatile (BMV) land during the construction phase totalling 816.62 ha and permanent loss totalling 539.22ha. In total some 984.26ha of Agricultural Land would be lost.

- Permanent habitat loss of irreplaceable ancient woodland. This includes Permanent habitat loss at Shorne and Ashenbank Woods SSSI totalling 5.85h and Claylane Wood ASNW where there will be a loss of irreplaceable ancient woodland habitat totalling 4.2ha. In total, 7.62 ha of ancient woodland would be lost along with loss of six ancient and veteran trees.

- Habitat degradation in ancient woodlands across multiple sites due to increased nitrogen deposition, impacting national designations to varying magnitudes.

- Adverse change in landscape character due to partial loss of mature woodland and perception of large-scale construction activity.

- Habitat degradation in Cobham Woods SSSI and Wouldham to Detling Escarpment SSSI due to increased nitrogen deposition, impacting the national designations to a major magnitude.

- Habitat degradation in Halling to Trottiscliffe Escarpment SSSI due to increased nitrogen deposition, impacting the national designation to a moderate magnitude.

- Major impact on Low Street Pit Local Wildlife Site due to habitat loss and associated loss of notable plant and invertebrate populations.

- Major impact on Blackshots Nature Area LWS due to habitat loss and associated loss of important invertebrate populations and nesting habitat for birds.

- Major impact on Rainbow Shaw LWS due to habitat loss, ancient woodland loss, and habitat degradation due to pollution events.

- Major impact on Bridge Woods, Burham LWS and Codham Hall Woods LWS; Ockendon Railsides SINC due to habitat degradation from increased nitrogen deposition.

6.3 With regards to the loss of ancient woodland, these woodlands are a finite national resource and once an ancient woodland has been lost it cannot be replaced. They comprise areas that have taken hundreds of years to establish, are home to irreplaceable habitats, wildlife and soils; as well as playing an important role in terms of our recreation, health and wellbeing; and have cultural, historic and landscape value too.

6.4 Any new tree planting would not provide the range and variety of habitat that has grown up in association with the woodland over a 400-year period. Every effort needs to be made to avoid any loss of ancient woodland. It is inexcusable that the LTC project represents the greatest single loss of irreplaceable ancient woodland and veteran trees of any proposed road scheme currently under consideration in England.

6.5 It is not just us saying this. In particular, we note the government statutory environmental advisor Natural England have a standing objection with respect to the loss of ancient woodland. We endorse their call for clarity with respect to the areas of habitat that are to be created and how these will achieve a rich biodiversity and support species impacted by the proposal.

6.6 With respect to loss of BMV, whilst there are proposals for replacement land for Ancient Woodland or protected species there is no indication that there will be mitigation for lost BMV land, such as upgrading lower quality agricultural land. It is noted for Ancient Woodlands that offsetting the loss of Ancient Woodlands would involve salvaging soil for the Ancient Woodlands. We would suggest the say needs to occur with respect to BMV.

6.7 In terms of Habitat degradation, notwithstanding that the accepted impact of the scheme is already significant, it is CPRE Kents views the overall and actual long-term impact of the scheme will be much worse than what's reported.

6.8 As it is, we understand that the statutory designated sites, including SACs, SPAs, Ramsar sites, SSSIs and LNRs were only assessed up to 2km of the Order Limits. Likewise, non-designated sites such as LWS and ancient woodlands were only assessed up to 500m of the Order Limits.

6.9 We are also aware of the concerns of Natural England, the Wildlife Trust and the RSPB that the impact of the scheme upon the Thames Estuary and Marshes SPA and Ramsar sites is being underplayed owing to the extent of loss of functionally linked land. Specifically, the LTC project will see the permanent loss of 59ha and temporary loss of 226ha of functionally linked land to the Thames Estuary and Marshes SPA and Ramsar, which is important habitat for wintering birds. We however understand that the proposed mitigation land is to be used as a construction compound meaning that the mitigation will simply not be available when it's needed the most.

6.10 Likewise, we are also concerned that the mixed-use green bridges are primarily designed for pedestrian access, with wildlife benefits considered as secondary. In view of the significant habitat loss and fragmentation, it is our view that the main focus of green bridges should be on reconnecting the landscape for wildlife. The inclusion of human access and artificial lighting undermines this and adds doubt to the claims as to the effectiveness of the green bridges.

6.11 With respect to protected species, it seems to CPRE Kent that there is a near uniform concern across the various environmental groups that the potential impacts are either being downgraded or not being fully addressed. For example, we understand the Kent Wildlife trust are concerned that there may be barbastelle bats within Brewers Wood, that West Kent Badgers Group are concerned that the badger surveys are now woefully out of date and from Buglife that insufficient invertebrates surveys have been undertaken within undertaken within the Shorne and Ashenbank Woods SSSI.

6.12 Whilst these are just a few specific examples, more generally we note Natural England's concern that the value of several ecological receptors appears to have been downgraded within the environmental statement and request for further information. We would join them in wanting to know the reasons behind this. If it's not clear to them, then certainly it is not clear to us or other concerned environmental groups. Without such, it certainly appears to us that the environmental impacts are deliberately being watered down to allow the scheme to be more positively viewed.

6.13 Notwithstanding our concerns with respect to the detail of the project in front of us, our primary concern is that the numerous environmental implications of the many road upgrades outside the order limit which will be necessary because of the LTC project are not being accounted for. For example, it is clear that the A2 would need to be dualled between Lydden and Dover to accommodate the extra traffic generated by the scheme. To achieve this however would likely require direct land take from the Lydden and Temple Ewell Downs SAC. The environmental consequences of such will be significant.

6.14 The combination of underplaying accepted environmental impacts of the scheme whilst not accounting for the clear environmental impacts as a consequence of the project which happen to be outside of the order limit mean that the true environmental cost and impact of the scheme is simply not known. What however is known is that these will clearly be much worse than what's

reported, even with the Rochdale envelope approach to assessing environmental harm engaged.

6.15 With respect to loss of Green Belt, the examining authority will be aware that paragraph 5.170 of the NPSNN establishes a general presumption against inappropriate development in the Green Belt. Inappropriate development should not be approved unless very special circumstances exist. Paragraph 5.178 requires the Secretary of State to consider carefully whether such circumstances exist and whether any harm is outweighed by other considerations and to attach substantial weight to the harm to the Green Belt.

6.16 We have considered the applicants case with respect to special circumstances exist as set out within application document 7.2 Planning Statement Appendix E Green Belt. This however is very much based on the applicant's case that the project will achieve its strategic objective of reducing congestion at the Dartford Crossing. As set out above, we do not accept this will be the case.

6.17 We do not accept the applicant's assertion that it would not be possible to achieve a less impactful solution or that no intervention to take place without it being in the Green Belt. Rather, it's clear to us that far more weight should have been given at the route selection phase to avoiding what is very clearly inappropriate development within the Green Belt.

6.18 In terms of landscape impacts and visual harm, CPRE Kent are extremely concerned as to the impacts to the Kent Downs Area of Outstanding Natural Beauty. In this respect we note and strongly endorse the standing objection from the Kent Downs AONB unit as set out within their relevant representation that "*The proposed scheme would result in significant adverse impacts to the landscape and scenic beauty of the Kent Downs AONB, principally as a result of the widening of the A2 and associated vegetation loss and the proximity of the new junction with the A2 to the AONB boundary".*

6.19 We also agree fully agree that clearly the route selection process failed to give sufficient consideration of impacts to the nationally protected AONB. With respect to mitigation, with the LTC project removing existing landscaping and creating a highly urban environment with 12 lanes of road It is our view that this simply cannot be mitigated.

6.20 With respect to Biodiversity Diversity Net Gain (BNG), the examining authority will be aware that the Environment Act 2021 has introduced a requirement for biodiversity net gain (BNG) in Nationally Significant Infrastructure Projects (NSIPs). This means that NSIPs must achieve a minimum 10% increase in the biodiversity value of the habitat on the project site.

6.21 The Act amends the Planning Act 2008 and states that the Secretary of State cannot approve an application unless satisfied that the BNG objective is met. While the government is yet to consult on how BNG will be implemented for NSIPs, it is advised that the 10% net gain target should be included in project proposals to comply with the proposed timetable. We however note the applicant's assessment of the project's biodiversity net gain calculations reveals

that the overall net gain of 7% falls short of the minimum targets of 10%, with decreases in habitat, hedgerow, and river units.

6.22 Our final point with respect to damage to landscape and the environment is that when mitigation is being proposed, it seems to be common ground across all the environmental statutory authorities and NGO's that much needed detail and clarity is either not being provided or is being deferred to the post consent stage. To CPRE Kent this is a significant concern, not just because of the uncertainly that this introduces, but also because of our extensive experience of such mitigation being watered down and amended post consent stage.

6.23 We are therefore extremely concerned to see that the applicant is seeking to disapply Natural England's SSSI responsibilities under Section 28 E and H of the Wildlife and Countryside Act, 1981 (as amended). In this respect we agree with Natural England that this licensing regime is a key safeguard and is potentially very relevant/necessary in the context of a new SSSI notification in the Tilbury area which focuses on terrestrial and aquatic invertebrates.

6.24 Rather than seeking to disapply existing safeguards, would endorse Natural England's calls for a robust approach to monitoring the success of all ecological and landscape mitigation measures needs to be provided.

7.0 Air pollution and Nitrogen Deposition:

7.1 The examining authority will be aware of the UK Governments commitment to legally binding air quality targets under the Environment Act 2021, aiming to reduce PM 2.5 concentrations to 10 µg/m3 by 2040.

7.2 However, and as pointed out by other commentators, current measurements across 85 monitoring sites already exceed this target, with the highest concentration at 15.9 µg/m^3 and the lowest at 11.1 µg/m3. Predictions for 2030 show an increase in PM 2.5 concentrations across all sites, ranging from 11.7 µg/m3 to 23.3 µg/m3, indicating that the Project will undoubtedly violate the air quality targets for 2040.

7.3 Long-term exposure to elevated levels of PM2.5 increases the risk of heart disease, stroke, lung cancer, and respiratory diseases. joint OECD and EU report from 2020 found that up to 346,000 deaths within the EU in 2018 were attributable to PM2.5.

7.4 A switch to electric vehicles will not solve the issue of PM2.5, though may make it worse. This is because Electric vehicles tend to be heavier than fossil fuel powered vehicles due to the weight of the battery. This is exacerbated in the case of larger electric vehicles, such as plug-in SUVs, which contain a considerably sized powertrain. Large electric vehicles produce up to 8% more PM2.5 than their internal combustion engine equivalent, according to the OECD study.

7.5 Similarly, the legal limit for nitrogen dioxide (NO_2) set by the Air Quality Standards Regulations 2010 is 40 µg/m^3, yet 68 out of 227 local authority monitoring sites exceed this limit, which is 30% of the sites. The World Health Organization

(WHO) recommends an annual NO2 pollution level of 10 µg/m3, significantly lower than the UK's current limit. In Kent, 32% of monitoring sites surpass the legal NO2 limit, with some sites exceeding 70 µg/m^3, and all 227 sites surpass the WHO's recommended level.

7.6 Regarding the Project's impact on air quality, data shows that five out of 10 monitoring sites within 200 meters of affected road networks already exceeded the legal NO2 limit between 2015 and 2019. The Project is predicted to cause a minor worsening of air quality for NO2 in this buffer zone, where 50% of the monitoring sites already exceed the legal limit. With 30% of monitoring sites across local authorities failing to meet the legally binding NO2 targets, granting permission for the Project would contradict the government's obligations and potentially endanger public health. It is therefore appears to CPRE Kent that the LTC project is at odds with the governments commitments under the Environment Act 2021

7.7 It is a similar situation with respect to nitrogen deposition. Here the applicant has concluded there are 36 sites likely to experience a significant effect as a result of the change in nitrogen deposition, 29 of which totalling 176.4 hectares (ha) where the change in Nitrogen Deposition results in a continuing residual significant effect. sites totalling 176.4 hectares (ha).

7.8 Here, and as previously raised by CPRE Kent in response to the June 2023 minor refinement consultation, we are extremely concerned with the manor by which these sites, where there is an otherwise accepted significant effect, are all being screened out of the Appropriate Assessment. This is on the basis that the mitigation and compensation being proposed will be sufficient to bring all sites collectively below the 1% of the critical load for nitrogen threshold to allow a conclusion of no significant effect.

7.9 Again our first question is to ask why avoidance measures have been disregarded in favour of mitigation and compensation contrary to what is required in line with the established mitigation hierarchy. The only justification provided within the DCO documents is that “the Project route and design have been selected after extensive development, engagement, and consultation”. As set out in previous consultation responses by CPRE Kent, mitigation and compensation should be options of last resort, yet nowhere are we seeing a detailed assessment as to what bearing the Air Quality (and other ES issues where significant effects have been found) have had in terms of the initial site selection process. That is, would selection of one of the other site location options have avoided the current extent of significant nitrogen deposition effects we are currently presented with?

7.10 In terms of active mitigation being considered, it appears from the DCO documents that this is now limited to a 70mph enforced limit, eastbound between M2 junctions 3 and 4. It is our view this is a far too light touch approach to the issue.

7.11 It is therefore the case that what actually is being proposed is an almost entirely compensation approach of habitat creation. It is only when we dig deep into the

Project Air Quality Action plan that amazingly we see that habitat management measures within affected sites, along with habitat creation or enhancement measures adjacent or near the affected sites, were disregarded as options in favour of just creating new compensation/offset sites of which Blue Bell Hill is one.

7.12 The problem with this approach is that such offsetting measures do nothing to help or protect the actual existing SAC sites where nitrogen deposition is already causing significant degradation. Instead, the degradation of these sites will only be exacerbated further by the LTC project. This includes Epping Forest and the North Downs Woodlands, where the SAC citations highlight air quality as a key attribute underpinning the conservation objectives of the sites. Likewise, both these SACs have 'restore' targets for the air quality attribute of the conservation objectives which relate to the concentrations and deposition of air pollutants to at or below the site-relevant critical load or level values. To CPRE Kent, the compensation/offsetting approach would seem to be at odds with the conservation objectives of at least these sites and hardly represents a precautionary approach.

7.13 We also then have to consider some of the wider issues/concerns previously raised, though seemingly ignored, with respect to the air quality impact modelling. These include our concern that the assessment of air quality impacts on each SAC remains predicated upon the traffic modelling which we consider far from robust. This is because it is based upon out of date 2016 baseline data and also under represents true in-combination impacts, as it does not include traffic from residential schemes of less than 200 units, nor new employment sites of 2,011 sqm.

7.14 Further, and with respect to in combination impact specifically, we note that the Habitat Regulation Assessment (HRA), in concluding no significant impact, considers the impact of the project in isolation only and not future projects. This includes projects such as improvements to the A229 at the junctions with the M2 and M20 which, in part at least, will be needed as a consequence of increased traffic flows arising from the LTC project. It also still fails to consider the 2,000 houses to be allocated at Lidsing despite the recent conclusion at the Maidstone Local Plan hearing sessions that in fact the Maidstone plan alone is likely to result in a significant effect upon the North Downs SAC, though as yet no mitigation proposed to bring it under the 1% threshold.

7.15 With respect to the nitrogen deposition compensation areas being provided, very little detail is made available as to how this will be managed and monitored. Again, CPRE Kent raised this in response to June 2023 minor refinement consultation, specifically raising the point of how we could assess the effectiveness of the proposed reduction in compensation land being made available when this justification was based on the success of a Countryside Stewardship scheme outside the applicant's control when no detail was given regarding this scheme.

7.16 Given it is our view the compensation/offsetting approach is already a flawed approach at odds with the conservation objectives of at least some of the affected sites, and that the Air Quality impacts already appear to be being underplayed, we can only but conclude that the LTC projects impact upon Air Quality and

degradation as a consequence of nitrogen deposition must be weighed heavily against the scheme.

8.0 Heritage and Cultural impact:

8.1 The proposed route is within a highly sensitive area for the historic environment and will therefore impact upon a wide range of heritage assets. In particular, CPRE Kent share the concerns as outlined by Historic England within their relevant representation dated 23rd February 2023 that the demolition of three listed buildings and impact upon the schedule monument Cropmark Complex Orsett causes clear substantial harm and must be weighed against the project.

8.2 We also endorse the view of Gravesham Borough Council that the focus of the survey work upon individual harms to heritage assets fails to provide a collective overall assessment as to the clear heritage harm that will be caused by the LTC project. They conclude that the result is an underestimate of the impacts, and therefore the application contains insufficient mitigation. This is particularly true for the village of Thong, with its conservation area, and its setting in the wider historic landscape. We would agree.

9.0 Conclusions

9.1 CPRE Kent reserves the right to amend or expand upon its position should new information be made available by the applicant or other Interested Parties.

9.2 On the current information however, it is abundantly clear to CPRE Kent that LTC project is vastly underestimating the potential negative consequences of increasing road capacity whilst overestimating any benefits.