

## **Appendix 3**

### **Comments on the PEIR**

Selection of comments on the PEIR made in response to the Statutory Consultation Autumn 2018.

#### **Natural England**

1.3 Based upon the information provided, and the guidance above Natural England does not consider that the PEIR contains sufficient information for us to provide detailed advice on the nature, scale and significance of the impacts to designated sites, protected landscapes, protected species and wider biodiversity at present. Similarly, we do not feel there is sufficient information for us to be able to provide in depth advice on the appropriateness or otherwise of the indicative mitigation and compensation measures.

#### **Environment Agency**

Based on the information provided the PEIR does not provide all the information that we expected. If an application for development was made using it, we would object to the application due to insufficient information, details of which are below.

#### **Kent Wildlife Trust**

##### **General Comments on the Preliminary Environmental Information**

Within the EIA Regulations PEI is defined as "...information that...is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development." Having reviewed the information provided within the consultation documents on Terrestrial Biodiversity and Marine Biodiversity, we consider that the consultation has failed to provide a sufficient level of information to enable us to take an informed view of the likely significant environmental effects.

Paragraph 16 of the Statement of Community Consultation (SoCC) states that "...a Preliminary Environmental Information Report (PEIR), which sets out survey methodologies and results, and the potential likely significant environmental effects of the Project, has been prepared to allow consultees to take an informed view on these matters. The PEIR therefore forms an important part of this consultation." Except in a very few cases, the PEIR does not contain the results of the surveys, and only sets out broad potential impacts, and so has not followed the SoCC.

Paragraph 9.5.1 of the PEIR states that "Data from surveys that are currently ongoing or have not yet been started will be included in the ES. This will include arboricultural (tree) surveys which are due to commence this winter, bird surveys (ongoing until March 2019), surveys for bats, Section 41 mammals, invertebrates, lichens and bryophytes, reptiles, Phase 1 and detailed botanical surveys, otters, water voles, dormice and badgers. Surveys will include any 'gap filling' for newly identified areas within the Development Boundary which have not been surveyed to date." The same is true of the Marine Biodiversity chapter, paragraph 10.5.1 states "To date, only a preliminary desk-based study review of available marine baseline data and information has been conducted. A further, more detailed, review will be completed to establish a more complete baseline for the ES." Table 10.7 sets out the surveys that 'may be required'.

Planning Inspectorate advice states that “Applicants should consider carefully whether publication of the PEI at a more advanced stage in the design process of the NSIP, where more detailed information is known about the Proposed Development and its environmental effects, would generate more detailed responses and so better inform the design of the Proposed Development and their EIA. This may provide a more effective consultation exercise.” We consider that given the vast majority of the environmental information has been deferred to application stage, giving no formal public consultation stage, this current consultation is premature. We strongly recommend a further consultation when the survey results and likely impacts can be presented.

We appreciate that there is no prescribed format for a PEIR, but given that the Terrestrial Biodiversity chapter largely comprises an overview of the desktop study and ‘filler’ material available elsewhere (for example, the conservation status of bat species), and the Marine Biodiversity chapter is even more lacking in meaningful information, we feel unable to take an informed view of the likely environmental effects. The closest the document comes to setting these out is the table of potential effects and mitigation at the end of each chapter. We note that these are ‘potential’, rather than ‘likely’, and there is no attempt to quantify the degree of impact or mitigation. We therefore strongly recommend further consultation when this information is available. Nevertheless, our comments on the potential impacts and mitigation are provided below.

On the Design Refinement consultation they said:

“The consultation has failed to provide a sufficient level of information to enable us to make an informed view of the likely environmental impacts. We would expect environmental assessments to include a qualitative assessment of habitat loss and creation, including for ancient woodland. As stated previously, due to the deficiencies of information it is not possible for consultees to make an informed view on the impacts of the scheme. On this basis, this consultation continues not to be in accordance with the EIA regulations or Paragraph 16 of the Statement of Community Consultation (SoCC).”

### **Bureau Veritas: Advice to Gravesham Borough Council**

During the consultation process the Borough Council has been provided with the Preliminary Environmental Information Reports (PEIRs) for air quality and noise and vibration as well as the subsequent draft Environmental Statement (ES) chapters. The appendices associated with both ES chapters were not made available. A lot of the missing information is assumed to be within the appendices. Below summarises the air quality and noise and vibration information that is still required in order to fully assess the impact of the scheme on the Borough.

#### **Air Quality**

The outcome of the PEIR review highlighted the following areas of uncertainty:

- The traffic data was not provided in order to replicate the results or test the model verification method applied;
- Additional verification information was required due to the large model domain and complex nature of the zoned verification;

- Sensitivity testing was requested to ensure future year predictions are not less conservative than if the Defra modelling tools were incorporated;
- There was no consideration of varying vehicle emission on roads of different gradients;
- Further detail was required to understand how changes in monitored concentrations from 2016 to 2018 would be captured within the assessment; and
- No construction phase assessment had been carried out.

The review of the draft ES chapter helped resolve some of the above uncertainties however there were still a number of outstanding points that require clarification. These include:

- Provision of Appendix 5.1: Air Quality Methodology to allow confirmation of:
  - The extent of the model domain
  - The road links included
  - Location of both the human and ecological receptors
- Provision of Appendix 5.2: Air Quality Baseline Conditions to allow confirmation of:
  - The accuracy of the AQMAs highlighted to be within the study area;
  - The baseline monitoring data selected;
  - How the background concentration data to be used in the model was derived; and
  - Details of the defined critical loads and habitats used for the deposition analysis.
- Provision of Appendix 5.2: Air Quality Construction Results to allow confirmation of:
  - The approach taken to assess significance; and
  - The number and location of the exceedances
- Provision of Appendix 5.3: Air Quality Operational Results to allow confirmation of:
  - The approach taken to assess significance; and
  - The number and location of the exceedances
- Provision of Figures 5.1 to 5.6 which will likely provide further clarity to the model set up and outputs

In addition to the above, the following are also required, however may already be captured within the above appendices:

- The construction and operational traffic flow data was not provided and therefore could not be assessed;
- Further justification is required to determine why the impact from NRMM emissions was considered to not be significant;
- Confirmation that appropriate adjustments to junctions close to sensitive areas was undertaken i.e. speed reductions outside of the speed banding set; and
- The model verification process was not included within the ES Chapter and therefore is required to be able to fully evaluate the approach.

## **Noise and Vibration**

The outcome of the PEIR review highlighted the following points which would help enable a fully informed decision to be made on the impacts of the scheme:

- Additional baseline surveys should be carried out;
- Construction phase assessment should include potential intra-project effects;
- The impacts from tunnel boring operations should consider both vibration and ground borne noise;
- A worst-case scenario and most likely scenario should be presented so an informed decision can be made on the scale of the impact;
- The assessment of future scenario road noise at night should be assessed using Method 1; and
- The DMRB study area boundary lines and receptors they cover were not consistent

The review of the draft ES chapter fulfilled some of the above requirements however there were still a number of outstanding points that require clarification. These include:

- Provision of Appendix 12.1: Noise Policy
- Provision of Appendix 12.2: Ventilation Southern Portal
- Provision of Appendix 12.3: Ventilation Assessment Northern Portal
- Provision of Appendix 12.4: Construction Noise and Vibration Assessment
  - Will enable commentary on the assumed assessment parameters of the construction phase and confirm whether intra-project effects were considered.
- Provision of Appendix 12.5: Baseline Noise Survey Information
- Provision of Appendix 12.6: TBM Noise and Vibration Assessment
  - At the time of review this section had not been completed within the ES chapter.
- Provision of Appendix 12.7: Noise Insulation Regulations Assessment
- Provision of Figures 12.1 to 12.9 which will likely provide further clarity to the model set up and outputs

In addition to the above, the following are also required, however may already be captured within the above appendices:

- The assessment parameters for construction vibration is not yet complete in the draft ES and therefore could not be fully reviewed;
- The assessed scenarios have not been fully defined;
- As survey data was not available, confirmation as to whether the diurnal pattern of traffic noise from the A2(T) was considered and whether the use of TRL Method 3 is appropriate could not be undertaken; and
- The HEIA did not make reference to recommended noise thresholds for health effects presented in the WHO Environmental Noise Guidelines for the European Region (October 2018).

## Val Hyland Consulting – Landscape

### General points:

Extensive and detailed comments were made at all stages, but the applicant provided no method of (easily or otherwise) identifying those points which had or had not been accepted/taken forward to the subsequent design stages. This was a key issue in terms of the scope and detail, and made subsequent consultation stages difficult to interpret.

There has been a lack of clarity in the consultation documents; No explanation provided of the ‘thinking’ behind the proposals at any stage; The application provided information rather than engaged in a consultation process, and there was no opportunity to discuss or otherwise question the proposals – which needed to be a fully iterative process.

At different stages, the consultation information has been made available in differing ways. The use of the web-based information has been, at times, difficult to navigate.

### Specific points:

#### A. At Statutory Consultation stage (including the PEIR)

Methodology: (In relation to the PEIR) ‘the information presented must provide clarity to all consultees’ (from Planning Act 2008: Guidance on the pre-application process - March 2015 by DCLG). The methodology for Landscape and Visual Impact Assessment was unclear.

The source guidance documents drawn upon by the applicant in respect of the assessment of landscape and visual effects, were varied (they included NPSNN, GLVIA and DMRB (including IAN)), some of which may have been out of date with nationally-recognised best practice at that time. As a result there was **a lack of clarity regarding the results of the assessment process thus far**. Type of assessment: Lack of clarity regarding the assessment produced at this stage, i.e. part ‘simple’ and part ‘detailed’ in the same proposal document, which provided an unsatisfactory result.

Legislation and planning policy context: Various Local Plan policies and relevant local (including KDAOMB) guidance documents were not mentioned or, apparently, drawn from.

Lack of National Character Area landscape change data, and historic landscape characterisation reports. These are significant omissions, as the pressures on the landscape and the current landscape quality should be important factors in the assessment.

Visualisations of proposals: Visualisations were insufficient to fully understand the proposals – both at a technical level and for a public audience.

At the PEIR stage, it was therefore impossible to fully assess the effects of the proposal on landscape and visual receptors. N.B. at a later stage, more visualisation points were provided. However, areas of concern highlighted at this stage, and not adequately addressed include:- more realistic photomontages and 3D modelling to better represent the effects of the proposal in the short, medium and long-term.

**N.B. At no point have visualisations been provided of the main road junction** (between the A2/M2 and the LTC approach road) i.e. sections across the junction, showing the different levels of carriageway and effect on surrounding landscape. I consider it would be very difficult for members of the public to fully appreciate the impact of the junction proposals on the landscape.

The documents suggest that the landscape impacts will, overall, be significant and negative. However, **there is little or no suggestion as to how the negative effects on the landscape and visual amenity may be reduced or avoided**.

**The scale and nature of likely effects requires a strategic and large-scale approach to mitigation, but this has not been addressed.**

EMP (Environmental Masterplan): It was recommended that options be developed to reflect the NPSNN guidance in respect of reducing the scale of proposals or amending the design to help mitigate the visual and landscape effects of the proposal. Further, that the NPSNN guidance should be followed regarding the use of green infrastructure as part of a mitigation scheme. Neither of these matters have been (adequately) addressed.

The severance of the KDAONB and removal of central reservation from the existing A2: These matters will have significant effects, and yet they have not been adequately addressed in subsequent design proposals. The January 2020 non-statutory consultation (see B. below) proposed a narrowing of the east-west transport corridor (A2/M2). The response considered the narrowing to be outweighed by the effects on the landscape and visual amenity of the loss of central reservation vegetation and other surrounding vegetation.

Green Crossings: this issue was not addressed adequately at this stage, but has been addressed in subsequent consultations (see B and C) albeit inadequately.

Access, recreation and the provision of open space: Gravesham Borough Council's plans to develop a Green Grid Network do not appear to have been considered in the proposals (at any stage).

Mitigation: The PEIR stated that a fully detailed assessment of mitigation required would be undertaken before submission of the DCO. This was supported in the response, with a recommendation that local stakeholders be consulted - in the case of professional stakeholders, this should be both individually and collectively – as part of a development of a mitigation strategy. This is vital to ensure that a comprehensive and cross-cutting approach is taken that will recognise the special qualities and character of the component areas, and deal with the difficult issue of phasing works and limiting the landscape and visual effects throughout the process. I am not aware that this has been actioned.

**It was clear that many of the potential effects of this proposal were interconnected, and should be considered together.**

## **B. The non-statutory Supplementary Consultation**

Landscape Characterisation: A proposal was put forward to alter the boundaries and increase the number of Landscape Character Areas in the project area. The reasons for this proposal were not clear, and no subsequent feedback provided on comments made. This is a fundamental issue, particularly in the KDAONB. The idea of introducing these new and sub-divided character areas appeared to serve only to ensure an easy path for the development of the LTC in this area. The proposed changes also reduce the size of the character areas, creating a jigsaw puzzle approach to the landscape, whereby each sub-area can be assessed against its own, individual qualities and perceived value. However, there has been no attempt (that I am aware of) to target consultation, specifically on this issue.

It is important to assess the effects of the LTC upon the landscape as it is now. The fact that the landscape is going to be radically changed is something to be considered in the current landscape setting; and this proves the point of having landscape characterisation as a tool to provide logical, robust and defensible justifications for managing pressures for change, without diminishing the value of the landscape.

N.B. At a later stage this proposal appears to have been withdrawn. The effect is to expose the magnitude of the likely damaging effects on the landscape and visual amenity of the LTC proposal in the Gravesham area.

Narrowing of the A2/M2: a loss of important areas of woodland and other vegetation – notably the loss or reduction of ancient woodland and the vegetated central reservation of the A2/M2 – would have a very significant negative impact on the landscape of the Kent

Downs AONB and the setting of a registered park and garden. It would also increase the urbanisation of the landscape and exacerbate the severance of the AONB in both the short and longer term. In a subsequent design iteration, the revised utilities proposals were - apparently - withdrawn.

Creation of Chalk Park: The open space should be considered as part of local and sub-regional Green Infrastructure networks, including links with ecological and access networks.

Integrated and holistic approach: The document considers the proposed changes to elements of the design separately, but the overall effect should be assessed of the proposed changes to utilities, highways infrastructure and the works associated with these changes.

The landscape proposals for this area require further assessment and explanation. The proposals should work alongside and – where possible – enhance the existing landscape; rather than introducing a new landscape type to the area in order to screen unsightly urbanising additions.

Woodland: Comments were made to the effect that the proposals would cause irreparable damage to Ancient Woodlands; and the need to assess the loss of woodland, both for its local impact and for its cumulative effects across the development boundary.

Mitigation: Mitigation proposed at land to the south of the A2/M2 to the immediate west of Henhurst Lane. This location is considered unsuitable for the development of dense woodland; and this will require careful assessment and consultation with stakeholders. I am not aware of any such consultation taking place.

Other comments were made in relation to potential (woodland) mitigation sites, including the suggestion of consideration of land outside of the development boundary for more suitable (mitigation) opportunities; but no responses have been received or meetings taken place to discuss this sensitive issue, where local knowledge will be vital to such decisions.

Work area and compounds: Proposals were put forward for a number of compounds. The effects should be considered as part of the LVIA, as some are likely to have negative effects on the landscape.

Green Bridges: They would need to be of sufficient width and depth for them to make an effective contribution to biodiversity and landscape. NB at stage C. (below) the proposals are, again, unsuitable to provide for these functions, as the bridges are too narrow.

It was clear that the proposals overall at this stage could not accommodate the needs of this sensitive landscape.

### **C. The non-statutory Design Refinement Consultation**

Landscape and Visual Impact Assessment: The criteria for a detailed level of assessment had been met at PEIR stage, but that level of assessment has not been carried out.

In addition, a lack of visualisation continues to hamper the assessment of potential effects. In particular, sections (or cross profiles) through and across the scheme have still not been provided.

Landscape effects: It may be the case that the proposals have reached a point where the design cannot reduce, mitigate or offset the negative effects; and mitigation and compensation are the only options. This significant issue should be addressed.

Scale of effects: It is of great concern that the scale of negative impacts on the landscape is so great that further effects (as part of the design refinement) may not be considered.

LTC M2/A2 junction: The proposals (continue to) require careful, detailed consideration, as their negative effects are hugely significant. For example, the height, mass and materials palette should be carefully considered.

A more visionary approach should also be considered in this highly sensitive landscape.

Woodland: At this stage, **woodland proposals continue to be an issue**. There has been no feedback at any stage about the comments made. This requires more detailed conversations between stakeholders and applicant.

Other proposed infrastructure: At this stage electricity switching stations, sub-stations and noise barriers were proposed. **The cumulative effects have not been considered**, and the proliferation of items will add to urban clutter, and reduce the quality of the landscape. These comments have not been addressed.

Visualisations of proposals: **This continues to be an issue**. In this version, indicative views are limited, and effects of the proposals in the short-term are not shown. This is an issue for technical and public consultees.

Generally: The EIU, earlier PEIR and Design Refinement stages do not deal adequately with the task of assessment of landscape and visual impact.

The proposals will increase the urbanisation of the landscape and exacerbate the severance of the AONB in both the short and longer term.

The loss of ancient woodland should be resisted, as it is an irreplaceable element of the landscape.

The potential loss of woodland as part of this development proposal must be considered at an individual local level, but also at a landscape scale.

Little or no justification is given - nor alternatives provided – to explain why precious ancient woodland and established woods must be sacrificed, and the landscape quality and character so badly compromised.

There is an issue of cumulative effects, and degrading of the landscape through the introduction of urban elements. The effects should be considered together and be adequately assessed, preferably in a full LVIA; as well as providing the potential for alternative proposals and potentially the reassessment of the choice of route.

#### **Gravesham Borough Council: Report to Council 18 December 2018**

- 4.17 The consultation is accompanied by a PEIR. Advice issued by PINS provides guidance on the requirements in relation to the PEIR and the role it plays in the consultation process. When preparing their Statement of Community Consultation (SoCC), the applicant is required to state whether the proposal is a development requiring EIA and, if so, how it intends to publicise and consult on the PEIR.
- 4.18 The PEIR is required to contain sufficient information that is reasonably required for consultation bodies to develop an informed view of the likely significant environmental effects and any associated development.
- 4.19 Whilst the form the PEIR takes is not prescribed and it is not expected to contain the same level of detail as the completed Environmental Statement (ES), it still has to be sufficient for the consultees to understand the likely significant environmental effects of the development so that it helps to inform their responses at the pre-application stage.
- 4.20 Unfortunately, the current PEIR lacks sufficient information, detail and analysis of the likely significant environmental effects in a number of areas. For example, whilst the way in which the development may impact upon the environment is set out, there is often no consideration of the potential severity of that impact on sensitive receptors so the reader is unable to understand whether it is significant or not. This is aside from the fact that the development assumptions fed into the



transport model are very light and are likely to understate impacts arising from traffic flows.

- 4.21 Also, whilst an Outline Environmental Masterplan is provided (Figure 2.4 of PEIR) providing information on mitigation measures, there is no way of understanding how these have been developed in response to actual impacts or their severity.
- 4.22 It will be for the applicant to decide whether or not it should undertake further targeted or wider consultation on the project to rectify this, although it is at its own risk if it does not. This is clearly important because the Council is obliged at the application stage to provide its view on whether the consultation has been adequate. Because of the deficiencies in the PEIR it is arguable at this stage that the consultation has not been adequate and that the commitments set out in the SoCC have not been met.