

## **Cultural Heritage**

Policy relevant to the LTC on the historic environment is set out in paragraphs 5.120 – 5.142 of the NPSNN (2014). This basically restates national policy as now set out in the NPPF (2018) at paragraphs 184 – 202. Policy CS20 of the adopted Gravesham Local Plan Core Strategy (2014) establishes the local policy position, once again reflecting national policy.

Whilst ‘saved’ policies TC2 (Listed Buildings); TC3 (Development Affecting Conservation Areas); and TC7 (Archaeological Sites) from the Gravesham Local Plan First Review (1994) are also relevant, national policy as set out in the NPSNN would take precedence where there is conflict.

Whilst the Council has recently (April 2018) consulted on a number of development management policies, these are at an early stage and very limited weight should be accorded them at this stage given they may change and have yet to be subject to examination. In any event, they are intended primarily to provide a local interpretation of national policies.

The decision maker also has statutory responsibilities imposed by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering whether to grant planning permission for development that affects a listed building or its setting, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.

Similarly, with respect to the exercise of his planning functions in relation to any other buildings or land within a conservation area, the Secretary of State must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66(2) extends this requirement to historic gardens under Part 1 of the Historic Buildings and Monuments Act 1953.

For the sake of completeness, scheduled monuments are accorded protection under a separate process contained in the Ancient Monuments and Archaeological Areas Act 1979.

As the LTC scheme would constitute a DCO application under the Planning Act 2008 (as amended), all issues and permissions would be dealt with concurrently through the examination process, with the final decision being taken by the Secretary of State in accordance with sections 103 – 107 of the Act.

It should also be noted that the LTC project would require an Environmental Statement (ES) under the terms of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). This would require significant environmental impacts in relation to cultural heritage, including architectural and archaeological aspects, and landscape to be clearly set out and the Secretary of State would have to take this into consideration in making any decision.

### **National policy on the historic environment**

The Courts have held that the statutory responsibilities noted above will have been discharged where due process as set out in national policy is duly followed. It is important therefore in considering the proposals and information provided to date whether this is

consistent with national policy and whether there are any gaps or outstanding issues that need to be addressed. Making the applicant aware of any issues in this respect is in accordance with the principle that the process should be 'front loaded' – a primary purpose of the statutory consultation.

Heritage assets comprise those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest. They may include buildings, monuments, sites, places, area or landscapes. The sum of the heritage interests that an asset holds is referred to as its 'significance'. Significance derives not only from the asset's physical preference but also from its setting.

The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the assets and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. It is important in this respect to appreciate that the setting may extend beyond a physical or visual connection between assets as economic, social and historic connections can also be material – including historic relationships between places.

Some heritage assets have a level of significance that justifies official designation – including listed buildings of different grades; conservation areas; registered parks and gardens; and scheduled monuments. Non-designated heritage assets of archaeological interest that possess demonstrably equivalent significance to scheduled monuments should be considered subject to the same policies as designated heritage assets.

Consideration must also be given to impacts on non-designated heritage assets on the basis of clear evidence that the assets merit consideration in the decision making process, even though these would be accorded lesser value than those assets which have been formally designated. NPPF paragraph 197 is also relevant in this respect in that this requires a balanced judgement to be made in weighing applications that directly or in-directly affect such assets, having regard to the scale of any harm or loss and the significance of the asset.

The applicant is required to undertake an assessment of the likely significant heritage impacts of their proposal as part of the EIA and describe these in their ES. This should describe the significance of the affected heritage assets and include any contribution made by their setting to that significance. Such an assessment should be proportionate and be no more than is sufficient to understand such impacts. Where the proposal has the potential to include heritage assets with archaeological interest, the ES should include an appropriate desk-based assessment and, where necessary, a field based evaluation.

In terms of decision making, the Secretary of State is required to identify and assess the particular significance of any heritage asset that may be affected by the proposal, taking into account available evidence and expertise. He should take into account the nature of the significance of heritage assets and the value they hold for this and future generations whilst using this understanding to avoid or minimise conflict between their conservation and any aspect of the proposal.

In so doing, he should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution made by their settings and the positive contribution their conservation can make to sustainable communities. The

desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment should also be taken into account.

When considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Given heritage assets are irreplaceable, harm or loss of any designated asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including Scheduled Monuments, grade 1 and II\* Listed Buildings, and grade 1 and II\* Registered Park or Garden should be wholly exceptional.

Any harmful impact of the significance of a designated heritage asset should be weighed against the public benefit of the development, recognising that greater harm to significance will require greater justification for any loss.

National policy applies different tests depending on the degree of harm caused to designated heritage assets. It is important in the decision making process therefore to determine whether the degree of harm is '**substantial**' or '**less than substantial**' – neither are actually defined within the NPSNN or NPPF and this is a matter of professional judgement based on the evidence and having regard to relevant guidance.

Where a proposal will lead **substantial harm** to or total loss of significance of a designated heritage asset, development consent should be refused unless it can be demonstrated that such harm or loss is necessary in order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium terms through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Where the proposal will lead to **less than substantial harm** to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In so doing, the requirement to still accord great weight to the asset's conservation still applies in the planning balance.

National policy recognises that not all elements of a Conservation Area will necessarily contribute towards its significance. Where the proposal would result in the loss of a building (or other element) that makes a positive contribution to the Conservation Area, this should be treated as either substantial or less than substantial harm, as appropriate, taking into account the relative significance of the elements affected and the contribution they make toward significance. Opportunities should also be sought where development is proposed within Conservation Areas and within their settings to enhance or better reveal their significance.

National policy continues by setting out that where the loss of significance of any heritage asset has been justified, a requirement should be imposed that prevents this occurring until such time as the relevant development or part of development has commenced.

Provisions are also made within policy requiring the recording and advancement of understanding of assets that stand to be lost, although the ability to record should not be a factor in deciding whether development consent should be granted. Similarly, policy recognises that there is the potential for archaeological assets to be discovered during the course of construction and it would be appropriate to impose requirements in such case to ensure that such assets are identified and properly treated as necessary.

### **Guidance on how national policy should be applied**

There does not appear to be any guidance issued on how the policies within the NSPNN on the historic environment should be applied. Planning Practice Guidance on Conserving and Enhancing the Historic Environment (updated 22 February 2018) may be of relevance given the similarity of policies set out in the NPPF with the NPSNN. This is available on-line at <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

Historic England also issue guidance on assessing impact on heritage assets and the contribution made by their settings. This includes:

- Conservation Principles: Policies and Guidance (2008) available on line at <https://historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesandguidanceapril08web/>
- GPA2 : Managing Significance in Decision-Taking in the Historic Environment (2015) available on-line at : <https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2/>
- GPA3 : The Setting of Heritage Assets (2017) available at <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

In addition, the Department of Transport issues its own guidance on how impacts on the historic environment should be assessed for the purposes of EIA in relation to major projects such as the LTC. This guidance is set out in the Design Manual for Roads and Bridges (DMRB) and its web-based Transport Assessment Guidance (WebTAG) as follows:

- DMRB Vol 11, Section 3, Part 2 on Cultural Heritage (2007) available on line at <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/section3/ha20807.pdf>
- TAG Unit A3 Chapter 8 on Environmental Impact Appraisal (2015) available on-line at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/638648/TAG\\_unit\\_a3\\_envir\\_imp\\_app\\_dec\\_15.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/638648/TAG_unit_a3_envir_imp_app_dec_15.pdf) .

It should be noted that whilst the DMRB and WebTAG remains helpful and provide templates for how impacts on the historic environment may be assessed, their approach is not entirely consistent with the NPSNN or NPPF (or indeed with each other) in that the latter (as the most recent iteration) generally categorises impacts within a range of 'large

beneficial' and 'large adverse' without clearly linking this to the policy terms 'substantial' or 'less than substantial' harm to provide a clear basis against which the relevant policy tests should be applied. This issue was raised at the EIA Scoping stage but does not appear to have been addressed.

In any event, whilst such a process-led approach may be helpful in providing analytical transparency, it should not be applied dogmatically because assessment of impacts ultimately relies on professional judgement.

Attention is also drawn to WebTAG Unit A3 at 5.3 onwards, which deals with the general approach the Department for Transport itself states should be adopted when considering impacts in the following environmental topic areas - landscape, townscape, the historic environment, biodiversity and the water environment. Step 5 on the overall environmental assessment score states at 5.3.19 as follows:

5.3.19 The following guidelines should be used to derive the overall assessment score for a topic from assessments on a number of separate key environmental resources. The advice here on the accumulation of environmental assessments is intended to provide a transparent and systematic basis for accumulating site or location specific results, while also allowing for the exercise of expert judgement.

- **Most adverse category.** The principle here is that a scheme as a whole should be assessed according to the most adverse assessment of the key environmental resources affected. For example, if a scheme affects, say, five key environmental resources, of which one is in the 'large adverse' category and the remaining four are 'slight adverse', then the overall assessment score should be 'large adverse'. The rationale for this approach is that highly adverse impacts should not be diluted or masked by less adverse impacts. It also encourages the development of alternative schemes which avoid such adverse outcomes.
- **Cumulative adverse effects.** The principle here is that, where it is clear that there is a cumulative effect across a range of key environmental resources, then the scheme as a whole should be scored in a higher category than the key environmental resources in isolation. For example, a scheme may affect a number of key environmental resources, each of which is assessed 'slight adverse'. Where it is clear that there is a cumulative effect across the key environmental resources, the scheme as a whole would be assessed as 'moderate adverse'. The existence of cumulative effects will usually depend on there being some similarity in the characteristic features or attributes of the affected key environmental resources. For example, a group of biodiversity sites might all be habitats for the same species of plant or animal.
- **Balancing adverse and beneficial effects.** The principle here is that, where there is a genuine compensatory effect, adverse assessments on some key environmental resources may be balanced by beneficial assessments on others. However, the precautionary principle is especially relevant here. The key issue is whether there are genuine compensatory effects. In most cases, it will be necessary to consider the impacts on each key environmental resource at a

detailed level, to ensure that the features lost from one key environmental resource are provided at another. For example, adverse assessments on groundwater supply at one location would probably need to be offset by beneficial assessments on groundwater supply at another location - beneficial assessments on floodplain would probably not provide genuine compensation. The scope for genuine compensatory effects will often be determined by the substitutability of attributes. In most cases, there is great uncertainty about the scope for substitutability, thus balancing should err on the side of caution. In particular, balancing should be restricted to 'slight' or, exceptionally, 'moderate' assessments. It is very unlikely that adequate compensatory effects can be identified to justify any balancing of 'large adverse' or 'very large adverse' assessments.

Gravesham BC would expect these principles to be consistently applied within any ES submitted in support of the DCO application.

With particular reference to the WebTAG requirement to adopt the most adverse category of impact set out above, it is noted that north of the River Thames the LTC proposals appear to result in the destruction of a Scheduled Monument at Orsett (crop marks) and the demolition of a number of listed buildings. As such, it is assumed that the project as a whole will be treated as resulting in **Substantial Harm** and the appropriate national policy tests applied.

### **Applicant's Preliminary Assessment**

The applicant's assessment is contained within Chapter 7 of the PEIR (Vol 1); Tables E1 – 5 of the PEIR Appendices (Vol 2); and the relevant PEIR Figures (Vol 3).

Much of what has been provided in connection with the current Statutory Consultation relates to the identification of affected heritage assets of differing levels of significance along the route and within a 1km zone of influence to provide a baseline. Policy as contained within the NPSNN, NPPF and the development plan for each area is also set out. The stated methodology for assessing impacts within the PEIR is taken from Volume 11, Section 3, Part 2 of the Design Manual for Roads and Bridges (DTp document HA208/07).

A preliminary assessment is then undertaken dividing the LTC proposals into three sections – South of the River Thames; the Tunnels; and North of the River Thames. The relevant sections of text relating to each are as follows:

Section of LTC	Baseline	Potential Effects and Mitigation Measures	
		During Construction	Operational
South of the River Thames	Paras 7.4.9 – 7.4.18	Table 7.6	Paras 7.6.3 – 7.6.5
Tunnels	Paras 7.4.19 – 7.4.28	Table 7.7	

North of the River Thames	Paras 7.4.29 – 7.4.49	Table 7.8	
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The Applicant's Preliminary Assessment assumes a future baseline with heritage assets remaining in broadly the same condition in the absence of the LTC project. Some archaeological remains would tend to suffer slow deterioration because of continued ploughing of arable fields. Climate change could have a potential impact on archaeology but built heritage is likely to remain in a similar condition subject to regular maintenance.

The Applicant's Preliminary Assessment then sets out (at paras 7.5.1 – 7.5.8) the further baseline information and surveys required to complete the assessment. This includes:

- Completion of the archaeological walkover survey;
- Completion of setting survey – unclear from text whether this has already been done;
- Completion of condition survey;
- Aerial mapping study and analysis of LiDAR data;
- Geophysical survey;
- Trial trenching;
- Historic Land Use Characterisation (HLC) study; and
- Palaeolithic period assessment.

### **Comments on Applicant's Preliminary Assessment**

As noted above, Volume 11, Section 3, Part 2 of the Design Manual for Roads and Bridges (DTp document HA208/07) is a dated document and not entirely consistent with the approach set out in the NPSNN etc. This will need to be addressed by the applicant.

It should be noted that Gravesham BC made extensive comments on heritage assets that might be affected by the project south of the River Thames at the EIA Scoping Stage. It is not intended to repeat those comments here, although regard should still be had to them.

The area within which the LTC would run in Gravesham is particularly historic, with heritage being multi-faceted and multi-layered. Many designated and non-designated heritage assets inter-relate within this context and need to be understood in combination. Cumulative harm to the significance of these assets in terms of how they are understood and appreciated for their historic, archaeological, architectural or artistic interest is therefore an important consideration.

Whilst the appendices contain a significant amount of information on the historic environment, the schedule of non-designated heritage assets is difficult to negotiate or interpret. Also, the mapping doesn't appear to include the full list of entries. Given the nature of the information provided it would also have been useful if a commentary could have been provided detailing whether there are thought to be any significant clusters and how this has informed the approach to further investigations.

There are also a number on non-designated heritage assets that are missing from the list – presumably because they do not as yet appear in the Kent HERS. These are:

- Within Thong lies the site of Mounken Barn, a medieval tithe barn used to collect a portion of corn and grain as payment of tithe to Rochester Cathedral/Priory from lands located in Shorne, Cobham and Chalk.<sup>1</sup> As noted below, this appears to provide a longstanding connection between Randall Manor and what was known as the 'Borough of Thong'. This relationship needs to be understood as it contributes towards the significance of the Thong Conservation Area. The site of the barn and yard is shown on the 1842 tithe map for Shorne (entry number 301) as lying immediately north of footpath NS167 as it joins the west side of Thong Lane.<sup>2</sup> The tithe barn appears to have been demolished in the period 1842-63 with the back of the site now occupied by two modern farm buildings.<sup>3</sup>
- Thong Lodge lies to the east of Thong Lane, accessed by a track that once formed the carriage entrance to the Cobham Hall Estate through the woods. This was built around 1816 and is believed to be to a design by one of Humphry Repton's sons. An engraving of the lodge is contained in J.C. Loudon's *The Landscape Gardening and Landscape Architecture of the Late Humphry Repton Esq* (1839).<sup>4</sup> The Medway Archives also has a similar tinted oval print.<sup>5</sup>
- Further to the south down Thong Lane lies a 1930s house called Thong Mead. This is of interest because it is believed to have been designed by the eminent architect Sir Herbert Baker of Owletts, Cobham for a member of his family. Baker was a contemporary Edwin Lutyens and friend of T.E. Lawrence.<sup>6</sup> He also designed the tombstone of Ivo Bligh (later 8<sup>th</sup> Earl of Darnley and England cricket captain responsible for bringing back the Ashes in 1882/3) in Cobham churchyard and (amongst other things) the 1926 grandstand at Lords Cricket Ground – donating the weathervane depicting Old Father Time.<sup>7</sup>

Aside from the above, the following general points are made in respect of the approach and content of the PEIR on the historic environment.

1. Whilst it is accepted that the PEIR only provides a preliminary view and that work is still on-going, what has been presented within the consultation material appears to be very

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<sup>1</sup> See E. Hasted – An Historical and Topographical Survey of the County of Kent (1797) at <https://www.british-history.ac.uk/survey-kent/vol3/pp442-456> .

<sup>2</sup> A transcript of the Shorne tithe apportionment is available on line at <https://www.kentarchaeology.org.uk/Research/Maps/SHN/02.htm> . There are also records relating to the tithe for the Borough of Thong in the Darnley papers kept at the Medway Archives. (<https://cityark.medway.gov.uk/Details/archive/110020110>) and a deposition in an Exchequer case dated 1700 in the National Archives at Kew (<http://discovery.nationalarchives.gov.uk/details/r/C3711964> )

<sup>3</sup> These would appear to be surplus to agricultural use as they are being marketed by agents Hobbs Parker – see [https://www.hobbsparker.co.uk/Images/EA/Properties/F2450\\_DOC\\_00.pdf](https://www.hobbsparker.co.uk/Images/EA/Properties/F2450_DOC_00.pdf)

<sup>4</sup> See page 564 at

[https://books.google.co.uk/books?id=ce5hAAAcAAJ&printsec=frontcover&dq=repton&hl=en&sa=X&ved=0ahUKewj3wa\\_I-8TeAhWJh6YKHS6qBZQQ6AEINTAC#v=onepage&q=thong&f=false](https://books.google.co.uk/books?id=ce5hAAAcAAJ&printsec=frontcover&dq=repton&hl=en&sa=X&ved=0ahUKewj3wa_I-8TeAhWJh6YKHS6qBZQQ6AEINTAC#v=onepage&q=thong&f=false)

<sup>5</sup> See

[https://cityark.medway.gov.uk/wwwopacx/wwwopac.ashx?command=getcontent&server=files&value=DE402\\_23\\_26.jpg](https://cityark.medway.gov.uk/wwwopacx/wwwopac.ashx?command=getcontent&server=files&value=DE402_23_26.jpg)

<sup>6</sup> See

<https://books.google.co.uk/books?id=n8VyCwAAQBAJ&q=sir+herbert+baker#v=snippet&q=sir%20herbert%20baker&f=false>

<sup>7</sup> See <https://www.theguardian.com/sport/2015/jun/18/father-time-weather-vane-returns-lords-cricket-ground>



superficial and lacks depth. As such, it is difficult to understand how the preliminary view on impacts and the effectiveness of mitigation have been reached. The consultation material provides very little analysis of the significance of heritage assets either individually or in combination and what contribution setting makes to their significance.

For example, the Thong Rural Conservation Area Appraisal SPD (2017) states that the following positive features form the wider setting of the conservation area:<sup>8</sup>

- The open arable fields to the east of the village, along the east edge of which, parallel to the line of Thong Lane, is rising ground on which is the view-enclosing feature of Shorne Woods; and
- The wide, flat, arable country west and north-west of the village from within which the village appears to stand 'islanded' in the open landscape.

The Thong Conservation Area (CA) therefore derives much of its significance from its farmland setting in the lee of Shorne Woods. This relationship has endured for a significant period of time, as shown on the original 1797 Ordnance Survey drawings in the British Library; the 1842 Tithe Map of Shorne Parish; and subsequent Ordnance Survey plans of the area.

The new LTC link road would sever the farmland to the west of Thong whilst mitigation in the form of the creation of false cuttings etc. and woodland planting to both the east and west of the hamlet would fundamentally alter its setting and detract from its significance.

On this, whilst the proposed mitigation may be required (in part) to address adverse impacts in terms of landscape, visual intrusion, noise and natural environment, a more nuanced approach is required when considering impact on the historic environment – it should not be assumed that 'one size' of mitigation 'fits all' types of harm.

The ES should properly assess therefore not only the impact of the main elements of the development itself but also the proposed mitigation measures, which may have a positive, neutral or negative effect depending on what harm it is they are supposed to mitigate.

When looking at the Thong CA, consideration also needs to be given to its inter-relationship with the archaeological site of Randall Manor set at a higher level within Shorne Woods. There is clearly a relationship here given the tithes of the area were assigned to Rochester Cathedral/Priory and both therefore fell within the area known historically as the *Borough of Thong*.

As such, anything that adversely affects the setting of Thong CA also has the potential to adversely affect the significance of Randall Manor. Inter-visibility here is not critical in this relationship given setting can also have wider historic and socio-cultural dimensions.

Historic England should also be asked for their view as to whether Randall Manor should be assigned the same status as a Scheduled Monument for the purposes of the DCO application given this could affect that weight accorded any harm to significance through development within its setting in the overall planning balance.

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<sup>8</sup> <https://drive.google.com/file/d/0B3rpRo7SzRqdbnQ0Q2l0RjRnQ1k/view>

2. Concern is also expressed over the preliminary assessment of the impact of the proposal on the significance of the Grade II\* Cobham Hall registered park and garden and other associated designated and non-designated assets. The PEIR assumes that whilst these impacts would be negative, they would be comparatively small and unlikely to be significant given the works lie on the northern boundary of the park/woodland and represent a comparatively small change from the current setting.

However, this preliminary analysis completely ignores the wider setting of the registered park and garden and other associated assets to the north of what is now the A2 trunk road. The hamlet of Thong was a small estate village with the adjoining woods and farmland forming part of that estate along with the lands now lying to the south of the A2. The historic park and garden therefore needs to be understood in that context.

As noted above, the original carriageway to Cobham Hall from the north-west is now the private driveway to Thong Lodge – the 1839/40 engraving mentioned above actually refers to it as the park keeper's lodge. From this point, the carriageway passed through the woods to the main Shepherd's Gate entrance to the more formal part of Cobham Park designed by Repton in the 1790s. That this part of Shorne Woods appears to have been considered part of Cobham Park itself is also evidenced by the 1842 Tithe Apportionment which refers to the ponds here as being 'ponds in the park'.<sup>9</sup>

The corridor now formed by the A2 trunk road was prior to the 1920s occupied by a far more modest country lane reflecting the original alignment of Watling Street<sup>10</sup> Around 1924/25 a new 2 to 3 lane A2 trunk road was constructed as part of an unemployed workers scheme to improve strategic infrastructure. A roadhouse called the Laughing Waters providing refreshments for people travelling on this new road was developed as a speculative venture on the site of what is now occupied by the Inn on the Lake at the southern end of Thong Lane in the 1930s.<sup>11</sup>

Subsequently, the A2 was turned into a dual carriageway road in the 1960s and then widened further up to the present day. Some of these works were permitted under the Channel Tunnel Rail Link Act 1996, which also provided for the construction of the HS1 railway line adjacent. This resulted in the destruction of the old Watling Street country lane in the vicinity of Repton's Ponds and a significant change in the context of the historic Grade II\* registered park and garden both at this point and to the west.

The continued widening of the A2/HS1 transport corridor has therefore resulted in an incremental deterioration of the context within which heritage assets in this area are understood and appreciated, both through increased severance and intrusion through noise, light, fumes, and other associated activity.

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<sup>9</sup> See entries 308, 309, 315 and 317 in the 1842 Tithe Apportionment at <https://www.kentarchaeology.org.uk/Research/Maps/SHN/02.htm>

<sup>10</sup> See photograph at <https://apps.medway.gov.uk/apps/medwayimages/details.asp?docid=1124647&searchtype=all&pg=7&pga=37&search=cobham>

<sup>11</sup> For a photograph of the Laughing Waters see <https://britainfromabove.org.uk/image/epw051613>. The Victoria and Albert Museum also has an electronic copy of a menu from the Laughing Waters at <https://collections.vam.ac.uk/item/O1459629/laughing-water-restaurant-cobham-tariff-menu/>

It is wrong to suggest therefore that LTC will only have a minor adverse impact on the Grade II\* registered park and garden because the LTC works only affect its northern edge – it further severs the designated asset from its wider context and the way it is appreciated and understood.

In this respect, the advice set out in Historic England's advice note GPA3 on The Setting of Heritage Assets (2<sup>nd</sup> edition, 2017) is relevant:

### **Cumulative change**

Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it (see also paragraph 40 for screening of intrusive developments).

The LTC works would clearly represent an additional change which is likely to further detract from the significance of multiple assets which needs to be properly considered and addressed within the ES.

In this respect, the conclusions reached within the historic environment and landscape section of the PEIR would appear to be completely at odds with each other in terms of appreciation of severity of impact.

For example, Table 7.6 deals with construction impacts south of the River Thames and in terms of the Grade II\* registered park and garden states that whilst there would be a negative effect, this is unlikely to be significant given the comparatively small change from the current setting. Similarly, in terms of impact on the Thong CA and White Horse Cottage (Grade II listed) the preliminary assessment states that whilst these could be negative and significant during construction, they are likely to change in nature and potentially reduce in magnitude when the scheme is operational.

Paragraphs 7.6.3 – 7.6.5 then provides a very short assessment of operational impacts, stating that 'there will be no additional impacts to any heritage assets during the operation phase of the Project'. Whilst it is recognised that the nature of impacts may change from the construction to operational phase, it is suggested that these will reduce in magnitude with remaining adverse effects mitigated through earthworks and landscaping.

This is rather different from the landscape appraisal which in terms of the operational phase at Table 8.14 states the following in respect of the Kent Downs AONB (LCA 4 West Kent Downs) area – including the setting of the Thong CA:

The 14-lane carriageway within the AONB, along with the realignment of the adjacent local roads, the encroachment within the HS1 land to the south, the longer overbridges at Brewers Road and Thong Lane, the associated loss of important established mature trees and HS1 mitigation planting, would result in a major alteration in the scale and rural appearance of the A2 corridor through the AONB.

The loss of the important trees and the HS1 mitigation planting would also result in greater physical severance between the landscapes on either side of the A2 as well as a reduction in the containment of the road infrastructure, such as gantries, signs and street lighting, resulting in the A2 and HS1 corridor having a greater presence in the adjacent rural landscape. In addition, the increase in traffic flows along the A2/Project route, through the AONB may result in increased traffic noise within the adjacent landscape and recreational areas as well as within the historic Cobham Hall and Park.

The A2/Project route junction on the eastbound side of the A2 and the loss of linear vegetation on the westbound side up to HS1, within the Higham Arable Farmlands (Thong), would have a major alteration to the scale and rural appearance, resulting in urban encroachment into the immediate western setting of the AONB.

It is considered that the operational impacts of the Project route within the area and the adjacent Higham Arable Farmlands (Thong), would have a direct **Major Negative** change on the character of the A2 corridor through the AONB and its immediate setting.

Given the Grade II\* registered park and garden lies within the AoNB (and this extends to the north of the A2 to include parts of Shorne Woods, that once formed part of the historic park but remain an important part of its setting) it is difficult to reconcile how the landscape impact can be **Major Negative** but impact on the historic environment is far less.

This anomaly becomes increasingly odd when it is considered that the heritage designation itself relates to the significance of the area in landscape terms – is the PEIR really trying to say that the operational impact on landscape in general is **Major Negative** but is less in terms of effects on the historic landscape?

Also, as set out above, the setting of the Thong CA would also be fundamentally changed by the LTC and associated mitigation and this will adversely affect the significance of this designated asset – along with other designated and non-designated assets in combination with it.

Once again, it is difficult to understand how the landscape impact is considered to be **Major Negative** but that on the historic environment is less when setting makes such a major contribution towards the significance of the assets.

Overall, Gravesham BC would argue that the PEIR significantly underestimates the impact of the LTC scheme on the historic environment and that the proposed mitigation measures may in themselves contribute toward harm. Whilst these mitigation measures may be required for other legitimate reasons, the potential residual harm in terms of the significance of heritage assets should be recognised and a comprehensive package of compensatory measures agreed.

3. One aspect of the historic environment that does not appear to have been considered is the existing pattern of roads, paths and trackways within the area and whether these have significance as non-designated heritage assets. For example, the A2 follows the line of the Roman Watling Street; Scotland Lane is an ancient sunken north-south track

connecting through to Thong Lane; and Brewers Road/Shorne Ridgeway is an ancient track extending out from Watling Street to hold sites around Hoo St Werburgh on the Hoo Peninsula. Such features (including the pattern of footpaths) may also be important in terms of how the landscape and settlement of the area is understood.

The LTC project has the potential to increase severance in terms of how non-motorised users (NMUs) move through the landscape and understand/appreciate the historic environment. It is important therefore that this aspect is not ignored within any analysis of the historic environment because poor choices in terms of design for NMUs could adversely affect significance of heritage assets and the historic environment in general.

This extends to the way in which Green Bridges are designed to reduce severance across the A2 to land to the south so that they are capable of performing a variety of functions – i.e. improving landscape, nature conservation, and NMU connectivity. On this, it is suggested that LTC should be used to explore best practice in Green Bridge design, following advice set out in publications by Natural England<sup>12</sup> and the Landscape Institute<sup>13</sup>.

4. Another aspect that requires further attention is the impact of increased traffic flows on the local road network. These also have the potential to adversely impact on the historic environment some distance away from the project itself and these effects need to be properly understood both under normal operating conditions and during times when incidents cause ‘rat running’.

For example, increased traffic flows through the Thong CA would have an effect not only on road safety but also on how the CA is perceived, understood and appreciated. Increased traffic flows also bring with them the potential for damage to buildings, boundary walls and verges whilst traffic calming to mitigate adverse impacts also have the potential to incrementally change the character of an area detrimental to significance.

Further away from the scheme itself, increased traffic flows through CAs such as at Cobham; Shorne; Chestnut Green, Shorne and along the A227 Wrotham Road could also have an adverse impact that needs to be understood.

Local traffic modelling should be sufficiently robust to understand such impacts and a package of measures or mechanism included within any DCO to ensure that these are mitigated should issues arise.

5. The PEIR suggests that the Grade II listed Shorne/Cobham boundary stone may be affected by works to the south of HS1. It is understood that this was originally put in place following a dispute between the parishes in 1808 over who was responsible for maintaining parts of Watling Street. Unfortunately, the boundary stone was broken, repaired and moved to its current location when HS1 was constructed. Should it be necessary to move it again, it is suggested that this should be discussed with Gravesham BC and the parish councils prior to submission of the DCO.

## **Conclusion**

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<sup>12</sup> See Natural England: Green Bridges – a literature review (2015) at <http://publications.naturalengland.org.uk/publication/6312886965108736>

<sup>13</sup> See Landscape Institute – Guidance on Designing Green Bridges (2015) at <https://www.landscapeinstitute.org/wp-content/uploads/2018/01/tgn-09-2015-green-bridges.pdf>

As noted above, it is unfortunate that the PEIR is quite superficial in its analysis of impacts on the historic environment to the south of the River Thames, particular in relation to those areas where the project will have above ground impacts along the A2 corridor; in the vicinity of the Thong CA; and east of Thong Lane/Riverview Park. There is also the potential for the area around Chalk Church to be adversely affected both during construction and operation – in terms of the latter particularly where this results in increased background traffic noise.

In making these comments, it has been necessary to concentrate on key areas of concern. Previous comments at the EIA Scoping Stage set out other areas of potential interest in relation to archaeology, the post WWI smallholding scheme around Thong and Chalk; and the development of Gravesend Airport/RAF Gravesend. These areas will also need to be properly addressed in the final ES and the approach adopted at the submission stage.

Whilst Gravesham BC would naturally defer to the expertise of Historic England and Kent County Council on archaeological issues, the issue has been raised previously of evidence of earthworks shown on pre-war aerial photographs to the east of Thong Lane to the north of the Cascades Leisure Centre and their possible relationship with earlier field systems shown on publically available LiDAR (Light Detection and Ranging) images.

The importance of these needs to be better understood. Whilst it is understood that a new LiDAR survey has been undertaken along the route, this has yet to be released to stakeholders (including Gravesham) and it clearly should be as soon as possible to allow meaningful discussion to take place on such aspects.<sup>14</sup>

Overall, Gravesham BC considers that the PEIR underestimates the potential impact of the LTC on the historic environment and is not convinced that the proposed mitigation is entirely appropriate given that it could itself have an adverse impact on the way in which heritage assets are understood and appreciated. This would appear to be a result (at least in part) from a failure to properly understand how the area has developed and how a number of the heritage assets derive significance from their setting both individually and in combination.

Given the scale of the LTC intervention and its overall impact, it is difficult to see how adverse impacts on the historic environment can be adequately mitigated. In order to arrive at the best possible outcome should a DCO be granted for the scheme, Gravesham BC would ask to work more closely with Highways England to consider whether design changes are possible that could further mitigate impacts; to refine mitigation proposals so that these better reveal the significance of affected heritage assets; and to assess whether a package of compensation measures can be put together to offset residual adverse impacts that cannot be adequately mitigated.

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<sup>14</sup> An aerial photograph taken by the Luftwaffe on 4 June 1939 is available on-line at <https://www.alamy.com/stock-photo-gravesend-kent-4th-june-1939-30092011.html>