

APPENDIX F2: Satisfaction Table

Chapter		Purpose of Engagement	Party(ies)	Observations
14	Biodiversity	Amendment to oLEMP Para 4.1.14i	To be updated by the Applicant	ExAs preferred version of oLEMP to secure delivery.
		Amendment to oLEMP Appendix 1, LEMP TOR para 1.4.4 – new h.	To be updated by the Applicant	
		Amendment to oLEMP, Appendix 1, LEMP TOR amended paragraph 1.6.1	To be updated by the Applicant	
		Amendment to Design Principles Document, Annex A, Planting Palette LE.2.11	To be updated by the Applicant	ExAs preferred version of Design Principles Document to secure delivery.
		Amendment to Design Principles Document, Appendix D MDW ToR, <i>new sub-sub paragraph at D.1.4.a.v.</i>	To be updated by the Applicant	
		Amendment to Design Principles Document, Appendix D MDW ToR, <i>new paragraph D.1.6</i>	To be updated by the Applicant	

Chapter		Purpose of Engagement	Party(ies)	Observations
		Amendment to Design Principles Document paragraph 2.15.1 (page 8)	SoST to request Applicant to confirm minimum harm to SSSIs, ancient woodland etc to undertake utility diversions	Provide confirmation that “no other reasonable option exists” or that contractor has reviewed option and found alternative which causes less harm.
		Agreements with Essex Wildlife Trust for the essential mitigation for barn owls and water voles outside of the order limits	SoST to request Applicant to submit final agreements	Provide confirmation of security.
15	Landscape & Visual Effects	The effect of s85 of the CROW Act, what the term “to seek to further” means, and whether the Applicant has met the requirements of the new provision.	If SoS agrees with the ExA that this is a higher duty than ‘have regard to’ to seek the views of the main IPs for the KDAONB area: Natural England, the Kent Downs National Landscape Unit (formerly KDAONB Unit), and Gravesham Borough Council and the Applicant on interpretation of the new duty ‘to seek to further’	<p>ExA considers that since s85 of the CROW Act was reworded, the duty does not remain the same. In the absence of any published guidance the ExA cannot determine the test to be applied for the new duty.</p> <p>The ExA considers that an additional green bridge at Park Pale might be an example of an action which would ‘seek to further’ the purpose of the NL.</p> <p>There was insufficient time after enactment of the change to consult the parties on this interpretation before the close of the examination.</p>