

**Lower Thames Crossing**  
**6.3 Environmental Statement**  
**Appendices**  
**Appendix 16.3 – Cumulative**  
**Effects Assessment**  
**Legislation and Policy**

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# Lower Thames Crossing

## 6.3 Environmental Statement Appendices

### Appendix 16.3 – Cumulative Effects Assessment Legislation and Policy

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# 1 Cumulative Effects Assessment legislation and policy

## 1.1 Legislation and policy

1.1.1 The assessment of cumulative effects has been undertaken in accordance with relevant legislation, and having regard to national, regional and local plans and policies.

### Legislation

1.1.2 Relevant legislation that has been considered in the environmental assessment is presented in Table 1.1. The Planning Statement (Application Document 7.2) provides an assessment of the Project’s strategic alignment and conformity with the National Policy Statement for National Networks (NPSNN).

1.1.3 A number of the sources of legislation referred to throughout the ES, including this chapter, derive from the law of the European Union (EU). It is noted that the impact of European legislation may need to be revised following the UK’s exit from the EU but much EU-derived domestic legislation continues to have effect in domestic law. Relevant legislation is included in Table 1.1.

**Table 1.1 Legislative requirements**

Scale	Description of Legislation
European	<p><b>Environmental Impact Assessment (EIA) Directive</b></p> <p>The requirement for Cumulative Effects Assessment (CEA) is set out in Article 4(3) and Article 5(1) of the European Community (EC) Directive 2014/52/EU (EU Directive, which is usually referred to as the Environmental Impact Assessment (EIA) Directive). With respect to Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008 (as amended), the requirements of the Directive are implemented through the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), and require an assessment of potentially significant cumulative effects of a project, along with other developments.</p>
National	<p><b>Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)</b></p> <p>As discussed above.</p>
National	<p><b>Environment Act 2021</b></p> <p>The Environment Act has two main functions:</p> <ol style="list-style-type: none"> <li>1. To give a legal framework for environmental governance in the UK.</li> <li>2. To bring in measures for improvement of the environment in relation to waste, resource efficiency, air quality, water, nature and biodiversity, and conservation.</li> </ol> <p>The majority of the Act does not make any immediate changes for organisations other than regulators.</p>

Scale	Description of Legislation
	The Environment Act does not currently present specific legislative requirements relevant to cumulative effects assessment. Further requirements may be implemented through secondary legislation to be made under this Act in the future, and the Project will respond as required.

## Policy

- 1.1.4 National policies are presented in Table 1.2 and Table 1.3, with the Project response to these policies. Where there is duplication of policies presented in the various relevant National Policy Statements, these have been combined and a single Project response to the policy is provided in the table.
- 1.1.5 Table 1.4 presents regional and local policies that have been considered during the development of the Project and the DCO application.
- 1.1.6 Further detail on policy compliance can be found in the Planning Statement (Application Document 7.2).

**Table 1.2 National policy framework and the Project response**

Reference	Requirement	Project response
<b>National Policy Statement for National Networks (NPSNN)</b>		
Paragraph 4.3 (Broadly consistent with NPS EN1 Paragraph 4.1.3)	<i>‘In considering any proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State should take into account:  its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;  its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.’</i>	Potential benefits and adverse impacts associated with the Project are discussed as intra-project effects. Overlap between topics is covered within the individual topic chapters and in Section 16.5 of Chapter 16: Cumulative Effects Assessment (Application Document 6.1).
Paragraph 4.16 (Broadly consistent with NPS EN1 Paragraph 4.2.5)	<i>‘When considering significant cumulative effects, any environmental statement should provide information on how the effects of the applicant’s proposal would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence). The Examining Authority may also have other evidence before it, for example from a Transport Business Case, appraisals of sustainability of relevant NPSs or development plans, on such effects and potential interactions. Any such information may assist the Secretary of State in reaching decisions on proposals and on mitigation measures that may be required.’</i>	The inter-project CEA considers the impacts of the Project on receptors in combination with other developments. Full details of the other developments considered are provided in Appendix 16.2: Cumulative Effects Assessment Shortlist of Developments and the assessment provided in Section 16.5 of Chapter 16: Cumulative Effects Assessment (Application Document 6.1).
Paragraph 4.17	<i>‘The Examining Authority should consider how significant cumulative effects and the interrelationship between effects might as a whole affect the environment, even though they may be acceptable when considered on an individual basis with mitigation measures in place.’</i>	The intra-project CEA considers the impacts of the Project on receptors. The methodology is discussed in Section 16.5 of this chapter. The assessment is provided in Section 16.5 of this chapter and where relevant in the individual topic chapters.
Paragraph 4.55 (Broadly consistent with NPS)	<i>‘The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts. This will require close cooperation with the</i>	The intra-project effects assessment has considered the potential for cumulative effects of pollution resulting from construction and/or operation of the Project on environmental receptors.

Reference	Requirement	Project response
EN1 Paragraph 4.10.7)	<p><i>Environment Agency and/or the pollution control authority, and other relevant bodies, such as the MMO, Natural England, Drainage Boards, and water and sewerage undertakers, to ensure that in the case of potentially polluting developments:</i></p> <p><i>the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and</i></p> <p><i>the effects of existing sources of pollution in and around the project are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.'</i></p>	<p>The assessment is provided in Section 16.5 of Chapter 16: Cumulative Effects Assessment (Application Document 6.1) and where relevant in the individual topic chapters.</p>
Paragraph 4.82 (Broadly consistent with NPS EN1 Paragraph 4.13.2)	<p><i>'The applicant should identify measures to avoid, reduce or compensate for adverse health impacts as appropriate. These impacts may affect people simultaneously, so the applicant, and the Secretary of State (in determining an application for development consent) should consider the cumulative impact on health.'</i></p>	<p>The CEA has considered the potential for cumulative impacts with all environmental topics, including Population and Human Health. Any receptors identified as having the potential to be impacted by the Project, in isolation or alongside other developments, are assessed and appropriate mitigation proposed if required. Health impacts are considered in Chapter 13: Population and Human Health (Application Document 6.1); and the Health and Equalities Impact Assessment (HEqIA) (Application Document 7.10) and in Section 16.5 of Chapter 16: Cumulative Effects Assessment (Application Document 6.1).</p>
<p><b>Overarching National Policy Statement for Energy (NPS EN-1) (Department of Energy and Climate Change, 2011a)</b></p>		
Paragraphs 5.12.2 and 5.12.3	<p><i>'Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.2).'</i></p> <p><i>'This assessment should consider all relevant socio-economic impacts, which may include:</i></p>	<p>Socio-economic effects are considered in Chapter 13: Population and Human Health (Application Document 6.1); and the Health and Equalities Impact Assessment (HEqIA) (Application Document 7.10) and in Section 16.5 of Chapter 16: Cumulative Effects Assessment (Application Document 6.1). The Worker Accommodation Report (Application Document 7.18) provides an assessment of the cumulative effects on the supply and the</p>

Reference	Requirement	Project response
	<ul style="list-style-type: none"> <li>• <i>the creation of jobs and training opportunities;</i></li> <li>• <i>the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities;</i></li> <li>• <i>effects on tourism;</i></li> <li>• <i>the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development; and</i></li> <li>• <i>cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region.'</i></li> </ul>	<p>operation of the accommodation market associated with the Project workforce.</p>
<p><b>National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4) (Department of Energy and Climate Change, 2011b)</b></p>		
<p>There are no requirements for the cumulative effects assessment presented within NPS EN-4.</p>		
<p><b>National Policy Statement for Electricity Networks Infrastructure (NPS EN-5) (Department of Energy and Climate Change, 2011c)</b></p>		
<p>There are no requirements for the cumulative effects assessment presented within NPS EN-5.</p>		
<p><b>National Planning Policy Framework (NPPF)</b></p>		
<p>Paragraph 180</p>	<p><i>'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural</i></p>	<p>The individual topic chapters consider the likely effects of the Project on human health and the natural environment (Chapters 5 to 15). Effects on Human health are also included in the HEqIA (Application Document 7.10).</p>



Reference	Requirement	Project response
	<i>environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.'</i>	The CEA considers the Project's potential for cumulative effects of pollution on health, living conditions and the natural environment and these effects are discussed in Section 16.5 of this chapter.

**Table 1.3 Other national policies relevant to cumulative effects assessment**

Reference	Requirement	Project response
No other relevant national policies for cumulative effects assessment have been identified.		

**Table 1.4 Regional and local policies relevant to cumulative effects assessment**

Reference	Requirement
Brentwood Local Plan (Adopted March 2022)	Policy MG05: Developer Contributions
Chelmsford Local Plan (Adopted May 2020)	Strategic Policy S10 – Securing infrastructure and Impact Mitigation
Dartford Development Policies Plan (Adopted July 2017)	Policy DP5: Environmental and Amenity Protection
Newham Local Plan (Adopted 2018)	Policy SP9: Cumulative Impact

## References

- Brentwood Borough Council (2022). Brentwood Local Plan
- Chelmsford City Council (2020). Chelmsford Local Plan
- Dartford Borough Council (2017). Dartford Development Policies Plan
- London Borough of Newham (2018). Newham Local Plan
- Department of Energy and Climate Change (2011a). Overarching National Policy Statement for Energy (EN-1).
- Department of Energy and Climate Change (2011b). National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4).
- Department of Energy and Climate Change (2011c). National Policy Statement for Electricity Networks Infrastructure (EN-5).
- Department for Transport (2014). National Policy Statement for National Networks. Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/572).
- Ministry of Housing, Communities and Local Government (2021). National Planning Policy Framework.

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