

Appendix 2: Green Belt

| LIR Reference | LIR Reference Local Impact Report Extract / Applicant's Response/GBC Response to Applicant's Comments |
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| <p>Paragraphs 7.10 pages 54/55 to</p> | <p>Landscape and Visual (Green Belt issues)</p> <p>For the sake of brevity, the text of GBC's representation on Green Belt issues and the inadequacy of the applicant's submission is not repeated here but can be found in REP1 – 228: Gravesham Borough Council - Deadline 1 Submission - Local Impact Report at paragraphs 7.5 – 7.68.</p> <p>For information, GBC is taking this opportunity to provide the following Gravesham Green Belt studies to assist the ExA in its deliberations. These will also inform GBC's responses to Question 13.1.20 of the Examining Authority's written questions and requests for information (ExQ1) issued on 15 August 2023.</p> <ul style="list-style-type: none"> • Gravesham Stage 1 Green Belt Study (April 2018) • Gravesham Stage 2 Green Belt Study and Appendices (August 2020) |
| <p>Applicant's Response</p> <p>Note that GBC has only reproduced substantive responses to general points raised given these are intended to deal with the Council's main contentions in relation to the way in which Green Belt issues have been addressed. Specific issues are identified</p> | <p>The Applicant acknowledges that whilst there are elements of the Project that are not inappropriate in the Green Belt if they were considered on their own, it is considered that the Project as a whole does not fall within the exceptions identified in paragraph 149 or 150 of the NPPF (paragraph E.5.3 of Planning Statement Appendix E: Green Belt [APP-500]). The Project constitutes inappropriate development in the Green Belt, and, as such, it is required to demonstrate "very special circumstances" as set out in Planning Statement Appendix E: Green Belt [APP-500]</p> <p>The Applicant's assessment of potential harm to the openness of the Green Belt is set out in Section E.6 (paragraphs E.6.15 to E.6.26) of Planning Statement Appendix E: Green Belt [APP-500]. Design measures proposed to reduce that harm are described in paragraph E.6.27 (points a. – k.)</p> <p>The Applicant provides a complete assessment of the Project against the relevant planning policy relating to its location within the Green Belt in Planning Statement Appendix E: Green Belt [APP-500], including an assessment of potential harm to the Green Belt by considering the Project against five purposes the Green Belt serves (as set out in paragraph 138 of the NPPF) at paragraphs E.6.8 to E.6.14.</p> <p>The consideration of route alternatives presented in Chapter 5 of the Planning Statement [APP-495] and ES Chapter 3:</p> |

thereafter against numbered paragraphs.

General points in relation to LIR paragraph 7.10 pages 54/55 to paragraph 7.37 page 54

Assessment of Reasonable Alternatives [\[APP-141\]](#), demonstrates that Green Belt designation was considered in the route optioneering process. Paragraph E.7.17 of Planning Statement Appendix E: Green Belt [\[APP-500\]](#) concludes that *'there are no viable, feasible or deliverable alternative solutions for the provision of a crossing of the River Thames to the east of London that are located outside of the Green Belt'*.

The Applicant acknowledges that the demonstration of “very special circumstances” requires consideration of potential harm to the Green Belt by reason of inappropriateness and “any other harm”. Paragraphs E.6.25 to E.6.26 of Planning Statement Appendix E: Green Belt [\[APP-500\]](#), notes that the Project is considered to result in “other harm” as there will be likely significant effects of the Project. ES Chapter 17 [\[APP-155\]](#) summarises the likely significant effects of the Project and these are listed at paragraph E.6.26 for the purposes of demonstrating “very special circumstances”.

These are summarised in paragraphs 8.7.14 to 8.7.30 of the Planning Statement [\[APP-495\]](#), which addresses the overall “planning balance” of NPSNN paragraph 4.3 including:

- Landscape and visual (paragraph 8.7.14)
- Kent Downs AONB (paragraph 8.7.15);
- Biodiversity (paragraphs 8.7.16 and 8.7.17)
- Historic environment (paragraphs 8.7.18 to 8.7.21)
- Land quality (paragraph 8.7.22)
- Flood risk (paragraph 8.7.23)
- Open space and recreation (paragraph 8.7.26)
- Waste management (paragraph 8.7.27)
- Noise and air quality (paragraph 8.7.28 to 8.7.30)

Accordingly, there is an extensive and comprehensive assessment of all “other harms” in the context of paragraph 5.178 of the NPSNN before the Secretary of State, in order to allow and full and proper consideration of “other harms” in judging the demonstration of “very special circumstances”.

GBC Response to Applicant's Comments

GBC finds both the submission application papers and the response to its LIR an inadequate basis upon which the ExA can make a sound recommendation as to whether sufficient "very special circumstances" exist in this case, i.e. whether the potential harm to the Green Belt by reason of inappropriateness, and other harm is clearly outweighed by other considerations. In reaching this conclusion, GBC has also had regard to representations made by others and the relevant responses made by the applicant. In particular, the ExA attention is drawn to the following documents relating to the representations made by Thurrock Council on Green Belt, which reflect the position set out by GBC:

- [REP1- 280](#): Thurrock Council Deadline 1 – Local Impact Report at Paragraph 140, Table 6.1, Table 15.1, Section 15.10 and paragraph 16.1.2(p).
- [REP1- 293](#): Thurrock Council Deadline 1 – Appendix L: Green Belt

GBC concurs with Thurrock on the inadequacy of the applicant's submission and lack of a properly evidenced and transparent Green Belt case. GBC is particularly concerned at the applicant's statement in [REP2 – 066](#): National Highways Deadline 2 Submission - 9.54 Comments on LIRs Appendix H – Thurrock Council (Part 5 of 5) which reads as follows:

The Applicant acknowledges additional information in this appendix. Due to time limitations this has not been reviewed in full. A comprehensive consideration of the Green Belt and the policy tests is provided as Planning Statement Appendix E: Green Belt [[APP-500](#)]. The Applicant expects that the Council have drawn the relevant conclusions into the main body of the Local Impact Report to which a response has been provided. The Applicant will review and consider a further response, if necessary, at a future Deadline.

It is the applicant's responsibility in the first instance to ensure that the submitted application is fit for examination and then have adequate resources in place to respond to points made by affected host authorities and other interested parties in a timely fashion.

Turning to the content of the applicant's response, it is noted that this relies primarily on document [APP-500](#): National Highways – 7.2 Planning Statement – Appendix E – Green Belt. However, all this document effectively contains in terms of an assessment of harms to the Green Belt and a Very Special Circumstances case is as follows:

- Assessment of harms against Green Belt purposes – paragraphs E.6.9 – E.6.14 (410 words)
- Assessment of harm against openness – paragraphs E.6.15 – E.6.23 (516 words)

- Assessment of other harms – paragraphs E.6.24 – E.6.26 (165 words but refers to acceptance of significant harms in ES)
- Design measures to reduce harm – Paragraph E.6.27 (330 words)
- Other considerations weighing in favour of the project – need/benefits/alternatives (Chapter 7 – 893 words)
- Demonstration of Very Special Circumstances (Chapter 8 – 491 words).

Effectively, the applicant's Green Belt case is set out in around 2,800 words – which is insufficient in length to present the detailed case needed. Whilst the rest of the application contains extensive information on benefits and other factors which can either weigh in favour of the application or be considered in terms of 'other harms', a formal assessment of Green Belt impacts to the north and south of the River based on a clear and transparent methodology is missing. Paragraphs E.6.21 – 6.22 appear to provide the only assessment of impact on Green Belt openness to the south of the river in the following terms:

E.6.21 All above-ground areas would experience some degree of loss of spatial and visual openness. This would be greatest between the South Portal and the A2/M2, and between the North Portal and A13.

E.6.22 New public open spaces such as Tilbury Fields and Chalk Park are beneficial in terms of community gain and in retaining the openness of the Green Belt, meeting the objective of safeguarding the countryside from encroachment.

It may be noted that whilst Chalk Park does provide new public open space, it provides no benefit in Green Belt terms, and in fact in landscape terms introduces alien features compared with the current position.

It is somewhat surprising therefore that the applicant is able to reach the conclusion on Very Special Circumstances:

E.8.7 It is, therefore, considered that very special circumstances exist for the Project. There is a clear and overriding need for the Project and there are substantial benefits as a result of the Project which are in the public interest. The need and benefits of the Project and lack of alternatives are considerable and outweigh any potential harm to the Green Belt or other any other harm that may be caused by the Project.

On the above and with reference to the content of [APP-500](#), GBC contends that the applicant has incorrectly applied the Green Belt policy test. It is not enough that the need and benefits of the project and lack of alternatives (if true) are considerable and outweigh harm, they must **clearly** outweigh harm. In the absence of a properly conducted

Green Belt harm assessment based on a transparent methodology, it is not possible for the applicant to make this claim or for the ExA to arrive at a planning balance that is evidenced based.

Whilst the ExA has by Q13.1.20 written questions and requests for information (ExQ1) (15 August 2023) asked the LPAs for their own assessment of Green Belt impacts in their respective areas, this should not be seen as a substitute for the detailed assessment work the applicant should have undertaken as part of their submission. The resources available to the LPAs in both time and money are extremely limited and what can be provided within the confines of the examination timetable will be limited. In the absence of the computer generated model that GBC asked for at the EIA Scoping Stage in 2017, any assessment will need to be based on the application drawings and sections, which are difficult to comprehend.

For the sake of completeness, GBC also wishes to comment on [APP-500](#) paragraph E.6.27 on design measures to reduce harm. Where these would be part of the project in any event and not specifically designed to reduce Green Belt impacts, these should be accorded neutral weight. This would also include the proposed new public open space at Chalk Park which is not listed here, but is referred to as a benefit in [APP-500](#) paragraph E.6.22 in terms of and will remain open, albeit a recreational use, post construction, and as such the effect is neutral in Green Belt terms.

In terms of the role of Green Belt in assessing reasonable alternatives, the applicant directs the ExA to document [APP-141](#): National Highways - 6.1 Environmental Statement Chapter 3 – Assessment of Reasonable Alternatives. This forms the basis of the statement in [APP-500](#) at E.7.17 that *'there are no viable, feasible or deliverable alternative solutions for the provision of a crossing of the River Thames to the east of London that are located outside of the Green Belt'*.

However, consideration of Green Belt within [APP-141](#) is extremely high level and cursory. It is restricted to references at:

- Paragraph 3.7.7(h) relating to the 2009 consultation that Option C (east of Gravesend) being in the Green Belt, would be less likely to conflict with planned development. Whether or not this should have been a consideration rather than whether LTC was in conflict with Green Belt policy is a moot point.
- Paragraph 3.7.11 relating to the 2013 consultation, at Table 3.4, that in natural environment terms, Option A (Dartford) would have least impact overall, whereas Option C would pass through Green Belt and have the greatest impacts on environmental sensitive areas.
- Paragraph 3.8.8 relating to the 2016 consultation, which still included route 1 (Dartford) as an option but with no consideration of Green Belt impacts in that location. Table 3.6 provides a high level assessment of Option

C (East of Gravesend) to the north of the River Thames, simply stating that all routes would affect Green Belt but without consideration of the relative extent of harm. Table 3.8 looked at Option C to the south of the river, considering the east and west routes to the A2/M2 but without any consideration of relative Green Belt harm.

- Following the Preferred Route choice in April 2017, [APP-141](#) mentions a number of option re-appraisals that took place but the document does not appear to make reference to any reconsideration of the Green Belt issue.

The conclusion reached by GBC is therefore that the consideration of reasonable alternatives only had regard to Green Belt at a very high level and there was little consideration of the relative extent of harm to Green Belt that might occur as a result of alternatives. In addition, there is no transparency in terms of process as to how Green Belt was taken into consideration and the weight accorded it when considered against the relative performance of different options.

What the applicant appears to have done is to make a route choice based on the achievement of transport objectives, sought to mitigate as far as possible adverse impacts and improve benefits, and then (and only then) tried to justify their choice in Green Belt policy terms. The consideration of reasonable alternatives does not appear to have extended to a robust consideration of the relative performance of options weighed against the relative Green Belt harm of those options in an open and transparent way. Indeed, it could not have done so in the absence of the necessary Green Belt appraisal work, which is even conspicuous by its absence in relation to their preferred option at the application stage.

GBC notes that at paragraph E.4.1 of [APP- 500](#): National Highways - 7.2 Planning Statement - Appendix E - Green Belt, the applicant refers to four NSIP National Highway schemes where the SoS has agreed that Very Special Circumstances exist that clearly outweigh Green Belt and other harms and was prepared to grant development consent. These were:

- M25 junction 28 (16 May 2022)
- M25 junction 10/A3 Wisley interchange (12 May 2022)
- M54 to M6 link road (21 April 2022)
- A1 Birtley to Coal House (19 January 2021)

Whilst these indicate that the need and benefits of a scheme may be capable of constituting Very Special Circumstances, they do not create a precedent for permitting LTC because each case stands to be assessed

separately against policy on its merits. Indeed, it is of the essence of the Very Special Circumstances test that each case will turn on its own specifics and cannot therefore provide a precedent for any other case. The most that reference to other cases can do is to identify factors that might be capable of contributing towards the demonstration of Very Special Circumstances. In any event, the above four cases are not directly comparable. They do however show what the ExA required the applicant to demonstrate in those cases and therefore where the LTC is potentially deficient.

The two M25 cases are not directly comparable because they are of far smaller scale, largely involving improvements to existing junctions which can only be undertaken in a particular location. There was clearly limited scope for considering reasonable alternatives.

In the M54 case, options were limited because the project involved a direct line link between two junctions across Green Belt. Part of the justification for the scheme was therefore that there was a lack of alternative schemes with a lesser impact on the Green Belt (See M54 application document APP-220 Highways England: Case for the scheme and NPSNN Accordance Table at 8.6.27 at <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010054/TR010054-000333-TR010054%20M54%207.2%20Case%20For%20The%20Scheme%20And%20NPSNN%20Accordance%20Table.pdf>).

In the case of LTC, the applicant attempts to justify the submitted scheme on the simplistic basis that, because all options would be in the Green Belt, they must be equally harmful. However, no evidence is provided to substantiate this conclusion and it would be unsound for the ExA to make a recommendation to the SoS in the absence of such evidence.

Neither is the A1 case comparable to LTC, in that the project is only 6.5km in length, involving on-line widening and only a short section of re-alignment. Permanent land acquisition only involved 56.66 ha and temporary possession 24.08 ha. However, even in this case, the ExA required the applicant to produce a detailed assessment of the Green Belt impacts of certain elements of the project (see A1 case document REP- 081: EXA/D4/014 Applicants Response to ExA Second Written Questions – Appendix 2.0A – Technical Note on the Green Belt at [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010031/TR010031-000966-Appendix%202.0%20A%20-%20Technical%20Note%20on%20the%20Green%20Belt%20\(WQ%202.0.2\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010031/TR010031-000966-Appendix%202.0%20A%20-%20Technical%20Note%20on%20the%20Green%20Belt%20(WQ%202.0.2).pdf))

Paragraph 7.38
Page 59

Landscape and Visual (Other Harms)

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| | <p>Adverse impacts on the Public Rights of Way network – including severing links across the land to the west of Thong and the loss of the footpath cycleway adjacent to the A2 northern carriageway to the east of Thong Lane. Whilst the Applicant proposes mitigation, the alternatives would be less commodious and therefore a level of harm would persist.</p> |
| Applicant's Response | <p>As set out within the SoCG [REP1-100] at items 2.1.112 and 2.1.113:</p> <p>'[The Applicant notes that] ES Chapter 13 Population and Human Health [APP-151] sets out the effects of construction works on PRowWs.</p> <p>This sets out that 15 PRowWs (including NCR 177) would be affected during this time, in most cases resulting in route diversion to maintain connectivity (albeit with an increase in journey length) and in some cases resulting in intermittent closures or interference, temporary closures and some permanent closures.</p> <p>Any diversions have been assessed in line with DMRB LA 112'. (item 2.1.112)</p> <p>With specific reference to NCR 177:</p> <p>'National Highways has identified that NCR 177 between Gravesend East junction and the Park Pale bridge over the A2 would initially be affected by utility works. The route would also be permanently closed to accommodate the new M2/A2/A122 Lower Thames Crossing junction. Upgrades to existing footpaths and tracks would be undertaken prior to the closure of the existing NCR177 alignment to ensure that a suitable alternative route is available; once works are complete an alternative roadside route would be available as a permanent diversion.</p> <p>This is assessed within ES Chapter 13 Population and Human Health...</p> <p>The Applicant considers that these are not significant in terms of affecting their level of use by cyclists in terms of the overall distances typically travelled by cyclists using the route; both the temporary and permanent diversion routes allow for improved user experience'. (item 2.1.113)</p> |
| GBC Response to Applicant's Comments | <p>Whilst the applicant has sought to mitigate harm and make further improvements to the PRow network overall, the effect of the project would result in less direct routes than existing and therefore less commodious. It is legitimate therefore that this is assessed as an 'other harm'.</p> |
| Paragraph 7.39 Page 59 | Landscape and Visual (Other Harms) |

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| | Harm through inappropriate mitigation – the Council argues elsewhere that the proposed mitigation to the east of Thong and the creation of mosaic habitat here is damaging to cultural heritage and has been inadequately justified. |
| Applicant's Response | <p>See response to paragraph 7.37 of the Council's LIR above.</p> <p>The land east of Thong is required to provide mitigation for both common reptiles and to mitigate construction impacts to terrestrial habitat for great crested newts (GCN). This requires the provision of mitigation ponds to be located within the core home range of the GCN population in Shorne Woods Country Park. This limits site selection to an area that's within a 250m radius of GCN breeding ponds and outside of any proposed construction activities. The pond locations and general mitigation strategy has been agreed with Natural England, and the Project is in receipt of a LoNI (letter of no impediment) for the draft European protected species licence application for GCN. Taking a proportionate approach to land acquisition for ecological mitigation, the Applicant has also selected this site for habitat creation to support common reptiles, as they share similar/complimentary terrestrial habitat requirements to GCN. The Thong Rural Conservation Area Appraisal published in 2017 states that 'the village's eastern setting is open land sweeping up to the skirts of Shorne Woods. The Woods, on rising ground, give complete 'middle distance' enclosures on this side of the village'. The proposed Thong open mosaic habitat creation, is described in the outline Landscape and Ecology Management Plan (oLEMP) [REP1-173] as consisting of 'rough grassland, ponds, and patches of bare earth, with scrub blending into the adjacent woodland of Shorne Wood. Habitat would be planted as a patchwork rather than large areas of similar habitat' [REP1-173], and would not compromise this historic setting to the east of the Conservation Area.</p> |
| GBC Response to Applicant's Comments | <p>GBC disagrees with the applicant in terms of harm to the significance of designated heritage assets through this form of development within the setting of the Thong Conservation Area, which includes White Horse Cottage (Grade II Listed). In terms of Green Belt, the applicant accepts that LTC as a whole (including the proposed mitigation here) is inappropriate development that should only be permitted where very special circumstances are shown to exist that clearly outweigh harm. Whilst the land is likely to remain 'open', definitional harm must still be taken into account. The proposed use of the land as mosaic habitat would change the character of the affected area – albeit the extent to which of this would depend on what is actually proposed. Based on a 'worst case' scenario, mosaic habitat here could take the form set out in APP490 – 6.7 Outline Landscape and Ecology Management Plan, as reproduced as appendix A5 to REP1-232: Gravesham Borough Council - Deadline 1 Submission - LIR Appendix 6 Cultural Heritage Assessment. The outcome could therefore be worse than the applicant's statement that the created landscape would simply comprise 'rough grassland, ponds, and patches of bare earth, with scrub blending into the adjacent woodland of Shorne Wood'. As shown by GBC in REP1-232, the historic character of this area is a</p> |

agricultural/pasture type uses intimately associated with the historic development of the settlement itself and the development of the Cobham Hall Estate, to which Thong effectively acted as a gateway.

Whilst the applicant quotes from the Thong Conservation Area Appraisal (2017), the full text of that section is not provided. It actually reads:

Approaching from the north along Thong Lane, development is initially restricted to the west side of the road. Here the village's eastern setting is open land sweeping up to the skirts of Shorne woods. The woods, on rising ground, give complete 'middle distance' enclosure on this side of the village. **The wide stretch of arable land (down to grass at the time of survey) between woods and village extends right up to the roadside here. In the village's southern part the open land runs from the woods up to various back gardens, domestic paddocks and the like, these belonging to development along the east side of the road.** (Missing text shown in bold)

The Conservation Area Appraisal goes on to say:

The following positive features form the wider setting of the conservation area:

- 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.

It is not therefore simply the openness of the fields to the east of Thong which is a characteristic feature but also the way they have been used for agriculture etc. over time that contributes positively towards setting and how the significance of the settlement is revealed.

Whilst GBC note that the applicant has sought to agree a way forward on Great Crested Newt (GCN) mitigation etc. with Natural England, such licensing arrangements are dealt with through a separate statutory regime. In making a recommendation to the SoS following the examination, the ExA will be obliged to consider this aspect of the proposal against planning policy and in particular the weight accorded preservation and enhancement of the historic environment against ecological mitigation.

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| | <p>To enable the ExA to do this, the need for this mitigation to be delivered on the land to the east of Thong should be fully evidenced, along with available alternatives considered both on and off-site (should there be alternatives outside the red line boundary) and why they were rejected. GBC would expect to be further consulted on any additional evidence submitted, along with Natural England, at the appropriate time. It is noted that in the response to 8.29-8.30 (GL8.8) mention is made of the potential for nitrogen deposition sites to play a role providing habitat for reptile translocation.</p> <p>GBC also note from APP-302 that the affected area is Best and Most Versatile Agricultural Land (Grade 2), although not currently in cultivation. Paragraph 5.168 of the NPSNN states that projects should seek to avoid significant development of such land. Whilst the land east of Thong Lane of itself would not be significant, taken in combination with the rest of the project, it is likely to be the case. Under such circumstances, the ExA may wish to consider whether the applicant has done sufficient to avoid this area for the creation of mosaic habitat, given that is likely to result in loss potential productive agricultural land.</p> |
| <p>Paragraph 7.40 Page 59</p> | <p>Landscape and Visual (Other Harms)</p> <p>Ongoing impact and harm to the local community through the presence of the road during the operational phase.</p> |
| <p>Applicant's Response</p> | <p>See response to paragraph 7.37 of the Council's LIR above.</p> |
| <p>GBC Response to Applicant's Comments</p> | <p>See response to applicant on relevant sections above.</p> |
| <p>Paragraph 7.41 Page 59</p> | <p>Landscape and Visual (Other Harms)</p> <p>Whilst the focus of this part of the LIR is on long-term operational impacts, there will be 'other harms' during the construction phase that the Examining Authority (ExA) will be obliged to consider under Green Belt policy, even if these are only 'temporary'. On this, it is important to recognise that these impacts on the local community are likely to be severe and of significant duration.</p> |
| <p>Applicant's Response</p> | <p>See response to paragraph 7.37 of the Council's LIR above.</p> |

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| GBC Response to Applicant's Comments | See response to applicant on relevant sections above. |
| Paragraph 7.42 Page 59 | <p>Landscape and Visual (Description of Very Special Circumstances)</p> <p>It is for the applicant to set out whether sufficient 'very special circumstances' exist that clearly outweigh harm to the Green Belt and any other harms. For the avoidance of doubt, the Borough Council finds the evidence provided to date is unconvincing and lacks both clarity and rigour. It is not therefore considered an adequate basis upon which the ExA can arrive at an appropriate planning balance to make a recommendation to the Secretary of State</p> |
| Applicant's Response | As set out within the SoCG [REP1-100] at item 2.1.5, the Applicant considers that the implications of the Project on Green Belt in policy terms have been considered appropriately in Planning Statement Appendix E: Green Belt [APP-500], and that the Project demonstrates "very special circumstances" that clearly outweigh both definitional and actual harm when compared to such alternatives. Planning Statement Appendix A: NPSNN Accordance Table [APP-496] addresses the effects of the Project on the Green Belt from a policy perspective. |
| GBC Response to Applicant's Comments | See GBC response to applicant's comments on general points in relation to LIR paragraph 7.10 pages 54/55 to paragraph 7.37 page 54 above. |
| Paragraph 7.43 Page 59 | <p>Landscape and Visual (Description of Very Special Circumstances)</p> <p>For example, APP-500: 7.2 Planning Statement – Appendix E - Green Belt consistently refers to the Green Belt in the context of the assessment of impacts on landscape character. However, Green Belt is a policy designation and should be assessed separately in its own terms. The impacts on landscape character, in combination with any other harms caused by the project are additional factors to the harm to the Green Belt but the applicant does not treat them as separate 'other harms'.</p> |
| Applicant's Response | As set out within the SoCG [REP1-100] at item 2.1.5, the Applicant considers that the implications of the Project on Green Belt in policy terms have been considered appropriately in Planning Statement Appendix E: Green Belt [APP-500], and that the Applicant has demonstrated "very special circumstances" that clearly outweigh both definitional and actual harm when compared to such alternatives. |

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| | <p>Planning Statement Appendix A: NPSNN Accordance Table [APP-496] addresses the effects of the Project on the Green Belt from a policy perspective. The ES Chapter 7: Landscape and Visual [APP-145] considers the effects of the Project on the landscape, including relevant landscape designations.</p> |
| <p>GBC Response to Applicant's Comments</p> | <p>It has been a cause of concern for GBC through the various consultation stages the project has passed through that there has been a tendency to conflate issues relating to the Green Belt with landscape issues. See GBC response to LTC EIA Scoping at TR010032-000033-LTC - Scoping Opinion.pdf (planninginspectorate.gov.uk)</p> <p>APP-500 is included as an appendix to APP-145: National Highways – 6.1. Environmental Statement – Chapter 7 – Landscape and Visual which states:</p> <p style="padding-left: 40px;">'Green Belt</p> <p style="padding-left: 40px;">7.3.19 Much of the Order Limits that fall outside the built-up areas of Greater London's urban edge fall within the Green Belt. Green Belt is referenced within this chapter in relation to the baseline analysis of the landscape character and visual amenity. This has been used to inform the separate assessment of the extent of harm to the openness of the Green Belt, which is contained within Appendix E of the Planning Statement (Application Document 7.2). Green Belt areas are illustrated on Figure 7.7 (Application Document 6.2)'. </p> <p>Landscape character and visual amenity are not the appropriate tests when considering impact on the openness and purposes of the Green Belt. Green Belt is a land use policy and not a landscape designation and an area's contribution to openness is not determined by reference to its landscape character or visual amenity (albeit they may serve to increase the value of the openness of a particular location). In the absence of a sufficiently robust formal Green Belt impact assessment as part the submission, informed by a transparent methodology, it is not possible to determine how such impacts have been assessed or whether landscape impacts have been conflated.</p> |
| <p>Paragraph 7.44 Pages 59/60</p> | <p>Landscape and Visual (Description of Very Special Circumstances)</p> <p>In addition, visual harm is only considered in the context of impacts of the project from the outside in looking in. However, as noted above, the project will remain in the Green Belt and impacts of visual harm will be experienced by the millions of people travelling on the roads themselves. Impacts of the project in terms of spatial and visual openness are therefore likely to be severe when considered from the user's perspective.</p> |
| <p>Applicant's Response</p> | <p>See response to paragraph 7.43 of the Council's LIR above.</p> |

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| GBC Response to Applicant's Comments | Apart from referring back to documents that have already been considered, the applicant does not appear to have addressed this criticism. |
| Paragraph 7.45 Page 60 | Landscape and Visual (Description of Very Special Circumstances) As noted above, the assessment of the harm to openness and conflict with Green Belt purposes is not underpinned by any methodology to provide an understanding as to how the conclusions have been reached. Whilst reference is made to local Green Belt assessments, it is not evident how they have informed the conclusions reached by the applicant. |
| Applicant's Response | The methodology for demonstrating accordance with policy as set out in the NPSNN is set out in Planning Statement Appendix E: Green Belt [APP-500], which has informed the conclusion reached by the Applicant. |
| GBC Response to Applicant's Comments | The point made by GBC did not refer to the 'methodology for demonstrating accordance with policy' rather what was the methodology by which impacts on Green Belt had been assessed. APP-500 does not appear to include any reference to such a transparent 'methodology' at all and it remains questionable, in the absence of evidence, whether the applicant's submission can be accorded weight. |
| Paragraph 7.46 Page 60 | Landscape and Visual (Description of Very Special Circumstances) Further, the Council would question the conclusion reached at paragraph E.6.12 of APP-500 : 7.2 Planning Statement – Appendix E - Green Belt that the proposed delivery of open space and woodland etc. and assists in safeguarding the countryside from encroachment. To the south of the River Thames most of the route from the A2 to the tunnel portal runs through open countryside. Replacing this with an alternative may bring a range of other benefits in terms of improved public access or ecology but in Green Belt terms and safeguarding the countryside from encroachment, the effect of such mitigation is broadly neutral because it is already countryside. In addition, where improvements are not made directly by the Project itself but through the National Highways Designated Funds route, they should be discounted unless the cost is fully factored into the calculation of the BCR |
| Applicant's Response | Paragraph E.6.27 of Planning Statement Appendix E: Green Belt [APP-500] also identifies a number of other design measures proposed to reduce harm to the Green Belt and "other harms". |
| GBC Response to Applicant's Comments | The applicant appears to have failed to address the point made. |

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| <p>Paragraphs 7.47-7.49 Page 60</p> | <p>Landscape and Visual (Description of Very Special Circumstances)</p> <p>In assessing whether very special circumstances exist that clearly outweigh harm to the Green Belt, the Council would suggest that two tests should be applied:</p> <p>The first is a relative test. Whilst the NPSNN accepts that some parts of linear infrastructure will need to occupy Green Belt locations, it is still necessary to consider the relative harm of reasonable alternatives against relative benefits. Without this, very special circumstances that clearly outweigh harm will not have been properly considered for the preferred option. It is necessary therefore for the applicant to evidence how it has assessed those relative levels of harm against benefits as a process in developing the project and how this has been consulted on in a transparent way. This would include the Dartford alternative, where the rationale for excluding it as not meeting scheme objectives also needs to be evidenced.</p> <p>The second is an absolute test - even if the project is the best or only option in terms of achieving outcomes in relation to scheme objectives, the applicant must still provide sufficient evidence to show that the benefits clearly outweigh the harm. Just because an option is the only one available does not mean that it is acceptable when evaluated against policy – it can still be refused Development Consent.</p> |
| <p>Applicant's Response</p> | <p>See response to paragraph 7.43 above. The Applicant considers that the approach taken to the consideration of Green Belt impacts, including the consideration of “very special circumstance” as described in Planning Statement Appendix E: Green Belt [APP-500] is proportionately appropriate and accords with Government Policy. The Applicant also demonstrates how it accords with NPSNN policy on Green Belt on pages 177 and 181-182 of Planning Statement Appendix A: NPSNN Accordance Table [APP-496].</p> |
| <p>GBC Response to Applicant's Comments</p> | <p>For the reasons set out above, GBC considers the Green Belt assessment (such as it is) submitted by the applicant is cursory and fails to provide a robust evidence upon which the ExA can reach a planning balance on the Green Belt issue.</p> |
| <p>Paragraphs 7.50 – 7.54 Pages 60/61</p> | <p>Landscape and Visual (Description of Very Special Circumstances)</p> <p>Whilst the Council has not specifically raised ‘reasonable alternatives’ as a key issue, this is particularly relevant to Green Belt because of the need to demonstrate ‘very special circumstances’ that clearly outweigh harm. In this instance, whilst the applicant has gone through a long process of consultation and engagement and sifted what it considers to be ‘reasonable alternatives’, the Green Belt issue never featured strongly as something that needed to</p> |

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| | <p>be addressed other than the applicant effectively assuming the national need for the Project would outweigh any Green Belt harm.</p> <p>For example, following the preferred route choice in 2016, National Highways published a Lower Thames Crossing: Response to Consultation document in 2017 which simply stated at page 38 that they had considered the Project against national policy and believed the national need would satisfy any policy tests. See https://highwaysengland.citizenspace.com/ltc/consultation/supporting_documents/Highways Englands Response to Consultation.pdf</p> <p>This was repeated at the 2018 Statutory Consultation stage at 8.4.3 of the Case for the Project document, where it was simply stated (without any justification) that National Highways was confident that the strength of the case for the Project would ensure that the policy tests would be met (see – https://highwaysengland.citizenspace.com/ltc/consultation/supporting_documents/LTC 5 The Case for the Project.pdf)</p> <p>Whilst it is noted that the applicant’s document APP-141: 6.1 Environmental Statement - Chapter 3 - Assessment of Reasonable Alternatives sets out how Green Belt was considered at each stage of the process, this was only in terms of stating where it would be affected with no assessment of alternatives against openness or purposes. There appears to have been no formal assessment against policy or any indication of the weight to be accorded the protection of Green Belt compared to performance against scheme objectives.</p> <p>In determining what are considered ‘reasonable alternatives’, the Council accepts that these must be capable of achieving the scheme objectives. These are set out at Table 4.1 of APP-495: 7.2 Planning Statement.</p> <p>On the above, it will be noted that none of the above scheme objectives are given a particular priority or weighting. In addition, there is no requirement under the scheme objectives for any performance threshold to be met by which a particular option should be discounted. There is therefore no requirement under the scheme objectives that the best performing option, particularly in monetised terms, should be selected when considered against environmental constraints or other policy objectives.</p> |
| Applicant’s Response | <p>The Applicant considers that the approach taken to the consideration of Green Belt impacts, including in terms of the consideration of reasonable alternatives, as described in ES Chapter 3: Assessment of Reasonable Alternatives [APP-141]; Chapter 5 of the Planning Statement [APP-495]; and in Planning Statement Appendix E: Green Belt [APP-500], is proportionately appropriate and accords with Government Policy, as demonstrated on pages 171 and 181/182 of Planning Statement Appendix A: NPSNN Accordance Table [APP-496]</p> |

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| <p>GBC Response to Applicant's Comments</p> | <p>For the reasons set out above, GBC considers the Green Belt assessment (such as it is) submitted by the applicant is cursory and fails to provide a robust evidence-led basis upon which the ExA can reach a planning balance on the Green Belt issue.</p> |
| <p>Paragraphs 7.55 – 7.58 Pages 61/62</p> | <p>Landscape and Visual (Description of Very Special Circumstances)</p> <p>With reference to resilience, it is noted that the applicant makes the case for the project in document APP-494: 7.1 Need for the Project. However, whilst the Project would provide an additional crossing point over the Thames to the east of London and increased capacity, no substantive evidence appears to have been provided to demonstrate the relative performance of this project against reasonable alternatives.</p> <p>This is important in terms of the 'very special circumstances' case because it is necessary to know whether the benefits of an additional crossing in terms of resilience are capable of being realised given linking highways have limited capacity.</p> <p>The applicant appears to admit that the project will only be a partial solution to the issue of resilience, allowing traffic to disperse more quickly once an incident is over. However, no robust evidence appears to have been provided to test this beyond supposition and actual impacts on the local highway network remain unknown. In addition, it is legitimate for people affected by the proposal to know what the implications are should an incident occur at either crossing or on the SRN linking them in terms of local highway impacts.</p> <p>Given the Dartford option was ruled out on the basis that an additional crossing further downstream would be a more resilient solution than providing additional capacity at the existing location, the Council contends that the ExA needs to know what the differences would be and whether these are sufficient to constitute very special circumstances that clearly outweigh harm.</p> |
| <p>Applicant's Response</p> | <p>The Applicant considers that the "resilience" benefits of the Project are adequately demonstrated in the Need for the Project [APP-494], and are sufficient alongside the other benefits described to constitute "very special circumstances" to justify the location of the Project in the Green Belt.</p> |
| <p>GBC Response to Applicant's Comments</p> | <p>GBC finds the applicant's response unconvincing. The Need for the Project document (APP-494) only sets out a simplistic assertion that an additional crossing must provide additional resilience simply because it is there [see paragraphs 4.4.16; 5.2.6 – 5.2.10; and 5.48] along with a number of letters of support from stakeholders. However, no substantive evidence is provided of what the actual resilience benefits would be through modelling or other agreed means. Given 'resilience' is defined in footnote 1 to APP-494 as 'how well the network can cope with full or partial</p> |

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| | <p>closure of key links, for either a short or long period of time' rather more is needed in terms of evidence as to how the network as a whole would perform and whether resilience benefits are actually realisable. The applicant appears to admit that the inter-connecting SRN would be unable to cope with the increased loadings during an incident and there appears to be no assessment of what additional loadings would be placed on alternative routes using the local road network – a problem already experienced with incidents at the Dartford Crossing. Transport for London (REP1-304 and REP1-305) raise the issue of impacts on their road network should an incident occur, noting that this has not been addressed. DW Ports London Gateway (REP1-333) raise issues concerning the actual reliance of the SRN with LTC, given limited capacity of junctions to the north of the river. Port of Tilbury (REP-274) raise issues of the resilience of the SRN without the inclusion of the Tilbury Link Road, although accept this would have no direct effect on the resilience of the crossings themselves. The point GBC is making is twofold. Firstly, in determining whether there are very special circumstances that clearly outweigh harm to Green Belt, it is necessary to know what the actual benefits of different options are in terms of improved resilience to set against Green Belt harms of those various reasonable alternatives. The second in terms of EIA is that if LTC is being designed to regularly accommodate diverted flows as a result of incidents and this is one of the scheme objectives, then those traffic loadings constitute a 'worst case' scenario that should be considered through the ES.</p> |
| <p>Paragraphs 7.59 – 7.66 Page 62</p> | <p>Landscape and Visual (Description of Very Special Circumstances)</p> <p>Beyond this, another of the scheme objectives is to achieve value for money. In assessing the project and compiling the business case, the applicant has followed the NPSNN (2014) at paragraph 4.5 by using a WebTAG based approach.</p> <p>This applies two different types of approach based on whether impacts (positive or negative) can be monetised. Non-monetised costs and benefits should be considered by qualitative assessments, for example by applying an Environmental Capital approach. Whilst scheme promoters are advised not to rely solely on the monetised elements to justify projects, this part is used to calculate the project's Benefit Cost Ratio (BCR). The aim of this is not only to determine whether a project is value for money, but so different schemes can be compared against a level playing field in a Treasury Green Book compliant way.</p> <p>A large proportion of the benefits of the project are derived from the monetary value of accumulated time savings over millions of journeys that result from the project. Aside from the issue of whether small savings of time should actually be counted, to arrive at this monetary value, WebTAG assigns a value to time on the basis of 'willingness to pay' for units of time saving for different types of journeys.</p> |

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| | <p>At a basic level of comparing one project against another using the central (or average) value of ‘willingness to pay’ is generally acceptable because any variance would be the same for each project – thus ignoring any spatial variations that may occur due to the location of a project and likely users.</p> <p>However, WebTAG Unit A1.3 on User and Provider Impacts (May 2022) at section 4.2 sets out that there is considerable variation in the willingness to pay and that sensitivity testing should be undertaken to reflect this. This is because the true value of time based on the willingness to pay may lie within quite a wide range. At a 95% confidence level for work-based trips (excluding professional or freight drivers) the sensitivity range suggested is +/- 25% and for non-work based trips, +/-25% for commuters and +/-60% for other non-work based trips.</p> <p>The applicant does not appear to have undertaken this form of sensitivity testing.</p> <p>Given the applicant is required to demonstrate ‘very special circumstances’ that clearly outweigh harm, to overcome any Green Belt policy objection and the true value of time may be at the lowest end of the sensitivity testing range, it is arguable that this should be used to calculate a ‘worst case’ BCR for the project.</p> <p>Without this information, it is difficult to see how the ExA can reach a legitimate planning judgement as to whether the proposal meets the ‘very special circumstances’ test whereby the benefits of the scheme clearly outweigh harm.</p> |
| <p>Applicant’s Response</p> | <p>In terms of TAG sensitivity testing regarding the value of time, the Applicant has responded to Gravesham Borough Council within Annex H.2 of the Annexes to Post-event submissions, including written submission of oral comments, for ISH1 [REP1-183].</p> <p>In other regards, the Council is confident that its justification of “very special circumstances” as set out in Planning Statement Appendix E: Green Belt [APP-500] is reasonable and robust</p> |
| <p>GBC Response to Applicant’s Comments</p> | <p>GBC wishes to thank the applicant for undertaking this work, noting that the DfT publication Value for Money Framework (2015) at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918479/value-for-money-framework.pdf states that when undertaking a WebTAG based appraisal, sensitivity tests on the high and low scenarios of national demand and values of time are required as per WebTAG Unit A.13. This is all GBC has requested, The ExA is therefore asked to take the lowest recalculated BCR into account as representing a worst-case scenario when set against Green Belt (and other environmental) impact in determining whether very special</p> |

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| | <p>circumstances exist that clearly outweigh harm to the Green Belt. Note: the Council assumes that the reference in the Applicant's Response to 'the Council' being confident that the justification in the Planning Statement Appendix E is reasonable and robust is simply a typo for 'the Applicant'.</p> |
| <p>Paragraphs 7.67 – 7.68 Pages 62/63</p> | <p>Landscape and Visual (Conclusion on Green Belt Issues)</p> <p>The Council concludes that the project is inappropriate development in the Green Belt, which is 'by definition 'harmful' and which should only ever be permitted where the applicant demonstrates very special circumstances that clearly outweighs harm to the Green Belt and any other harms. The Council has identified significant actual harm to the Green Belt resulting from the Project and conflict with the Green Belt purpose of safeguarding the countryside from encroachment. Significant other harms have also been identified. Whilst the applicant claims very special circumstances that clearly outweigh harm exist, the case put is unconvincing and has not in the view of the Council been properly evidenced. Based on the supporting evidence provided to date, the Council is concerned that the ExA will not be in a position to arrive at a sound planning balance on this matter when making a recommendation on the application.</p> <p>Ask: The applicant complete a Green Belt assessment that complies with the requirements of the NPPF (and therefore NPSNN) taking into account the matters the Council has set out</p> |
| <p>Applicant's Response</p> | <p>See response to paragraphs 7.50 – 7.54 of the Council's LIR above.</p> |
| <p>GBC Response to Applicant's Comments</p> | <p>See response to applicant on relevant sections above.</p> |