

**Lower Thames Crossing
9.109 CAH2 Action 3 Response
Franks Farm – Lawson
Planning Partnership / Mrs
Carver**

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 9

**DATE: October 2023
DEADLINE: 5**

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/9.109

VERSION: 1.0

Lower Thames Crossing

9.109 CAH2 Action 3 Response

Franks Farm – Lawson Planning Partnership / Mrs Carver

List of contents

	Page number
1 Introduction	1
1.1 Introduction.....	1
2 Land acquisition and the Project’s proposals	2
2.1 Introduction.....	2
2.2 Permanent acquisition	2
2.3 Temporary possession of land with permanent acquisition of rights.....	5
2.4 Temporary possession of land.....	6
2.5 Drainage pond.....	6
2.6 Proposed shared access	7
2.7 Water treatment plant	9
2.8 Loss of trees and the removal of vegetation	9
2.9 Landscape planting.....	10
3 Heritage	13
3.1 Introduction.....	13
3.2 Applicant’s response.....	13
4 Noise.....	16
4.1 Introduction.....	16
4.2 Applicant’s response.....	16
References.....	18
Glossary.....	19

List of plates

	Page number
Plate 2.1 Extract from Land Plans Volume C, Sheet 44.....	2
Plate 2.2 Extract from Works Plans (Volume C) Composite, Sheet 44	3
Plate 2.3 Extract from General Arrangement Plans Volume C, Sheet 44.....	8
Plate 2.4 Extract from Drainage Plans Volume C, Sheet 44	9

1 Introduction

1.1 Introduction

1.1.1 Compulsory Acquisition Hearing 2 (CAH2) Action Point 3 [EV-049a] requests the following:

‘Response to Planning Merits Matters

Please provide a written response to the planning merits issues raised by Lawson Planning Partnership at CAH2.’

1.1.2 A post-event submission was submitted at Deadline 4 by Lawson Planning Partnership on behalf of Mrs Carver [REP4-389]. This forms the focus of the Applicant’s response to Action Point 3 as set out above as this is the written submission of the oral submission at CAH2 by Lawson Planning Partnership.

1.1.3 This document addresses the points raised in the post-even submission on behalf of Mrs Carver [REP4-389] under the following sections:

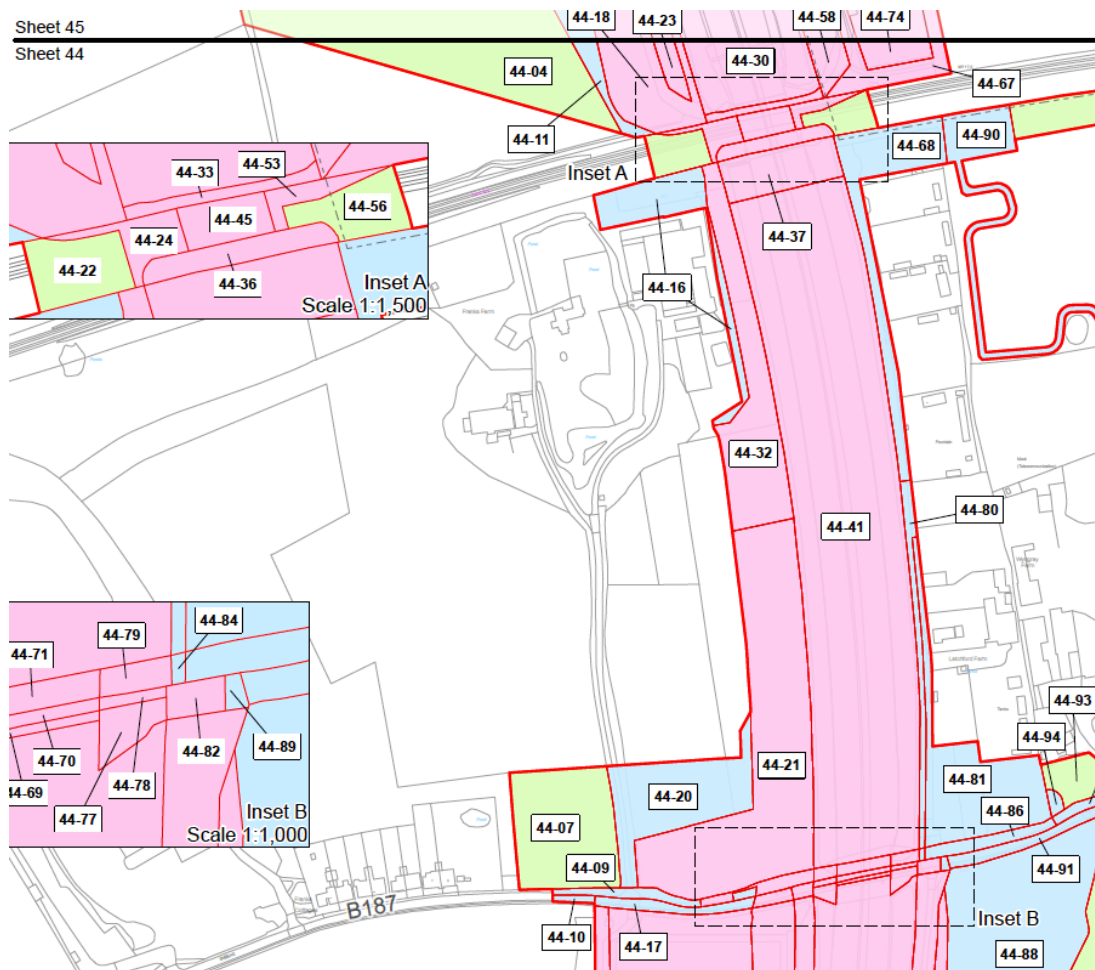
- a. Section 2: Land acquisition and the Project’s proposals
- b. Section 3: Heritage
- c. Section 4: Noise

2 Land acquisition and the Project's proposals

2.1 Introduction

- 2.1.1 The proposed land acquisition is shown on Plate 2.1 Extract from Land Plans Volume C, Sheet 44 [REP4-014], which has also been resubmitted at Deadline 5 [Document Reference 2.2 (6)].

Plate 2.1 Extract from Land Plans Volume C, Sheet 44

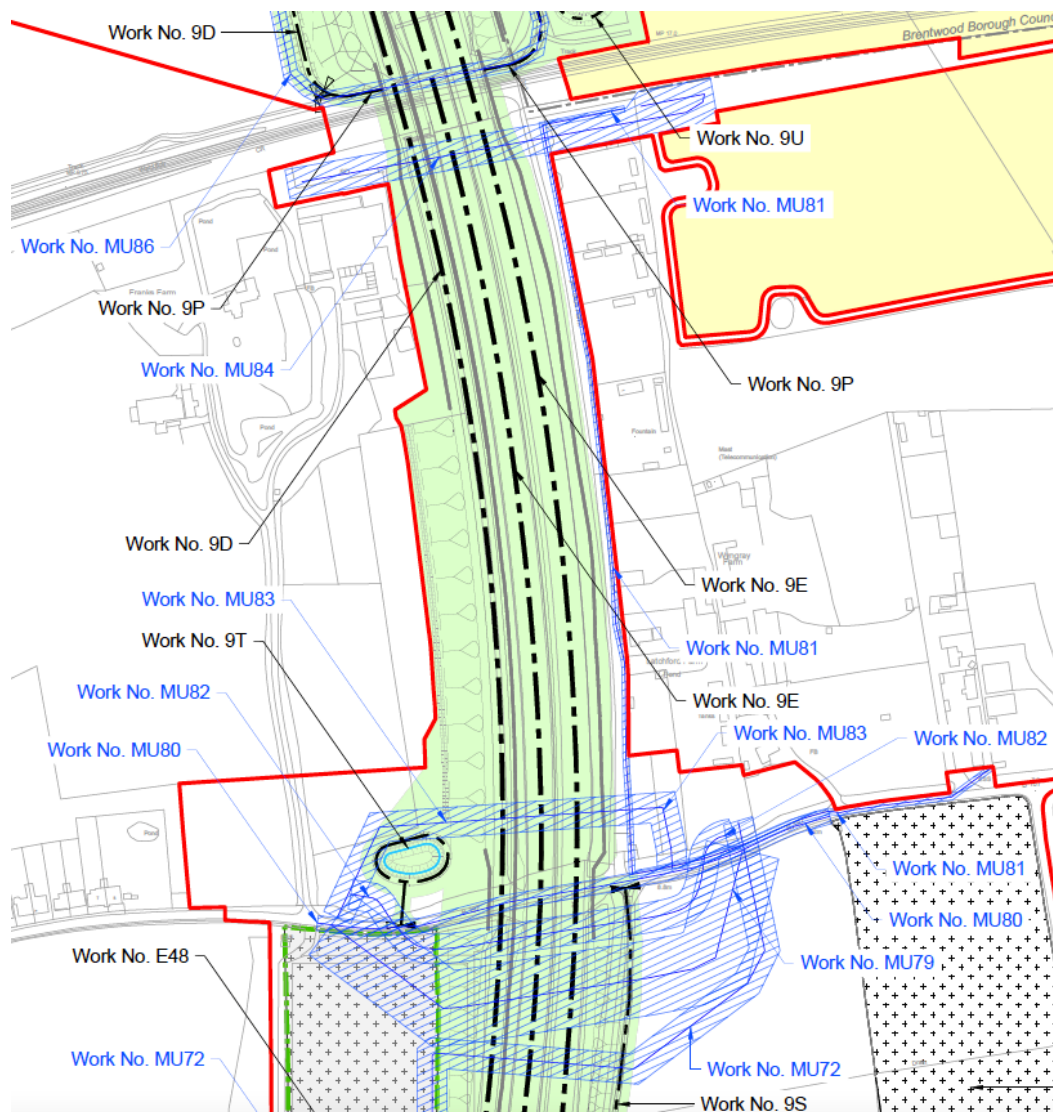


2.2 Permanent acquisition

- 2.2.1 The plots proposed to be permanently acquired, as shown in pink on Plate 2.1, are set out below and the Works are shown on Plate 2.2.
- 2.2.2 Plot 44-32 – The reasons for permanent acquisition as set out in the Statement of Reasons [REP4-100] are:
- d. Work 9D – Construction of a new two-lane link road from the M25 northbound carriageway to M25 junction 29 link road.
 - e. Work MU84 – Utility works, including the installation or diversion of underground utilities within a multi-utility corridor.

- 2.2.3 Plot 44-21 – The reasons for permanent acquisition as set out in the Statement of Reasons [REP4-100] are:
- a. Work 9D – Construction of a new two-lane link road from the M25 northbound carriageway to M25 junction 29 link road.
 - b. Work 9T – Construction of a new drainage attenuation pond with associated drainage facilities, and a private means of access to the drainage attenuation pond.
 - c. Works MU79, MU82 and MU83 – Utility works, including the installation or diversion of underground utilities within a multi-utility corridor.

Plate 2.2 Extract from Works Plans (Volume C) Composite, Sheet 44



- 2.2.4 The Project is currently at a preliminary scheme design stage, and whilst it may be possible to refine and minimise the land at the detailed design stage, the Applicant considers the permanent acquisition is no more than is necessary to construct and operate the Project within the limits of deviation for the works relevant to each plot.

Retaining wall

- 2.2.5 To minimise the land required to construct and operate Work 9D, the Design Principles [REP4-146] include the following as Clause S14.09 – Franks Farm:
- ‘To limit the land required adjacent to the listed Franks Farm and the property of St Mary’s Lane, a retaining wall rather than earthworks shall be provided. Planting shall be provided to soften the visual impact of the structures. Planting on the embankment south of Franks Farm to include larger stock trees as part of the planting/woodland screening mix as defined in the Environmental Masterplan (Application Document 6.2, Figure 2.4).’*
- 2.2.6 Paragraph 18 of the post-event submission on behalf of Mrs Carver [REP4-389] requests that the land required for permanent acquisition in Plot 44-32 is reduced in width adjacent to the retaining wall.
- 2.2.7 The Applicant considers it is not possible to reduce the width of the land required for permanent acquisition. The width of the land has already been limited as far as reasonably practicable through the commitment to a retaining wall rather than earthworks to avoid the buildings located to the west. The remaining land is required to enable the construction, within the limits of deviation, of a new one-way, two lane connector road from LTC and the M25 northbound to M25 junction 29 (Work 9D), including the retaining wall and to provide future access for inspection and maintenance.

Embankment

- 2.2.8 Paragraph 17 of the post-event submission on behalf of Mrs Carver [REP4-389] requests that the extent of land to be permanently acquired for the construction of the embankment and the resulting tree loss is reduced.
- 2.2.9 The Applicant considers it is not possible, at this stage of the design, to reduce the extent of land to be permanently acquired for the construction of the embankment. The embankment is of a standard design to meet engineering specifications and is required to enable the construction, within the limits of deviation, of a new one-way, two lane connector road from LTC and the M25 northbound to M25 junction 29 (Work 9D). There are no physical or environmental constraints that justify deviation from a standard design and the increased costs this would entail, at this location.
- 2.2.10 However, following the discussions with Mrs Carver’s agent and the dialogue at CAH2, in order to provide explicit assurance on the considerations the Applicant will make at the detailed design stage, the following commitment has been included in the Stakeholder Actions and Commitments Register submitted at Deadline 5 [Document Reference 7.21 (3)]:
- ‘Embankment at Franks Farm, SACR-011, As part of the detailed design, the undertaker will use reasonable endeavours to minimise the permanent land acquisition and removal of trees as part of the embankment works in Plot 44-32 and 44-21 at Franks Farm.’*

2.3 Temporary possession of land with permanent acquisition of rights

- 2.3.1 The plots proposed to be subject to temporary possession of land with acquisition of permanent rights, as shown in blue on Plate 2.1, are set out below and the Works are shown on Plate 2.2.
- 2.3.2 Plot 44-16 – The reasons for the acquisition of rights as set out in the Statement of Reasons [REP4-100] are:
- a. Work MU84 – Utility works, including the installation or diversion of underground utilities within a multi-utility corridor, and the rights and restrictive covenants to construct, protect, operate, access and maintain those utility works.
- 2.3.3 Plot 44-16 – The reasons for temporary possession of land as set out in the Statement of Reasons [REP4-100] are:
- a. Work MU84 – Utility works, including the installation or diversion of underground utilities within a multi-utility corridor.
- 2.3.4 Plot 44-20 – The reasons for temporary possession of land as set out in the Statement of Reasons [REP4-100] are:
- a. Work MU83 – Utility works, including the installation or diversion of underground utilities within a multi-utility corridor.
- 2.3.5 Plot 44-20 – The reasons for the acquisition of rights as set out in the Statement of Reasons [REP4-100] are:
- b. Work MU83 – Utility works, including the installation or diversion of underground utilities within a multi-utility corridor, and the rights and restrictive covenants to construct, protect, operate, access and maintain those utility works.
- 2.3.6 The Applicant considers that the temporary possession of this land is no more than necessary pursuant to the stage of design development, including the alignment of the proposed works on this land, and the envisaged construction methodology which requires retaining the ability to coordinate the works with the other works required by the Project.
- 2.3.7 The acquisition of rights associated with those networks will be required to ensure the asset can be operated, protected, inspected and maintained accordingly, and will be relevant to the final alignment of the asset and those on site features that would determine a route of access to the asset from the highway. Accordingly, the rights acquired will be narrower than the full extent of the limits of deviation.
- 2.3.8 Temporary possession of Plot 44-16 for Work MU84 is likely to be required for six months to complete the utility works.
- 2.3.9 Work MU83 would include a trenchless installation beneath the M25. The land is therefore required to enable a drilling rig to be used and provide the necessary pipe stringing area to the west, including Plot 44-07 (see below).

- 2.3.10 To ensure minimal disruption to the driveway access to Franks Farm, Table 2.3 in the outline Traffic Management Plan for Construction [REP4-160] itemises the factors that must be addressed in developing the Traffic Management Plan as a minimum. This includes the following in respect of local businesses and residents: ‘Access and egress to be maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works’.
- 2.3.11 The utility works will therefore be planned and undertaken with this factor in mind.

2.4 Temporary possession of land

- 2.4.1 The plot proposed to be temporarily possessed, of land as shown in green on Plate 2.1, is set out below and the Works are shown on Plate 2.2.
- 2.4.2 Plot 44-07 – The reasons for the temporary possession of land as set out in the Statement of Reasons [REP4-100] are:
- a. Work MU83 – To facilitate utility works, and to provide temporary storage, laydown areas and working space.
- 2.4.3 The Applicant considers the temporary possession of land is no more than necessary to construct the utility works, as set out above, that are necessary for the Project.
- 2.4.4 This was addressed at CAH2 as set out in the Post-event submissions, including written submission of oral comments, for CAH2 [REP4-178] paragraphs as follows:
- ‘Mrs Carver raised a query about the use of the land plot 44-07 to the west of her driveway, which is subject to temporary possession, and the reason for its temporary possession is set out in the Statement of Reasons [REP3-081]. This land relates to work MU83 “to facilitate utility works, and to provide temporary storage, laydown areas and working space.”’*
- 2.4.5 As set out above, Work MU83 would include a trenchless installation beneath the M25. The land is therefore required to provide the necessary pipe stringing area to the west of Work MU83 as well as providing storage, laydown areas and working space. The works on this plot are anticipated to take up to six months to complete, subject to the detailed construction methodology.
- 2.4.6 It is therefore not possible to relocate the land required for temporary possession as requested by Mrs Carver in the post-event submission [REP4-389].

2.5 Drainage pond

- 2.5.1 As set out above, a drainage pond is proposed as Work 9T as shown on Plate 2.2, on Plot 44-21, as shown on Plate 2.1.
- 2.5.2 Relocation of the drainage pond to land south of St Mary’s Lane has been requested by Mrs J Carver in Relevant Representation [RR-0753] and post-event submission [REP4-389].

2.5.3 This was addressed at CAH2 as set out in the Post-event submissions, including written submission of oral comments, for CAH2 [\[REP4-178\]](#) paragraphs 3.3.1 to 3.3.3 as follows:

‘...The Applicant notes that Mrs Carver also raised a concern about the balancing pond (work 9T), shown on sheet 44 of the Works Plans [REP3-044]. IT explained that the Applicant’s position is that the balancing pond is required at that location and the land subject to acquisition is no more than necessary.

IT explained that the balancing pond cannot be relocated to the land to the south which is to be used for replacement public open space. If the Applicant relocated the balancing pond in this way, the multi-utility works would have to be moved to the north, closer to residential property, in an area where there is already a lot of utilities infrastructure. The Applicant requires the flexibility set out in the limits of deviation to deliver those works.

IT noted that the Applicant has met with Mrs Carver’s agents and proposed a commitment in the Stakeholder’s Actions and Commitments Register [\[REP1-176\]](#) to review the design of the pond at detailed design stage, to assess whether the size and land-take can be reduced at the implementation stage of the Project. IT noted that it is not possible for the Applicant to confirm this at this stage of the design, but that the Applicant has committed to taking steps to address the concerns raised at the detailed design stage.’

2.5.4 Following the discussions with Mrs Carver’s agent and the dialogue at CAH2, in order to provide explicit assurance on the considerations the Applicant will make at the detailed design stage, the following commitment has been included in the Stakeholder Actions and Commitments Register submitted at Deadline 5 **[Document Reference 7.21 (3)]**:

‘Drainage Pond (Water 9T), SACR-010, As part of detailed design, the undertaker will use reasonable endeavours to minimise the permanent land acquisition associated with the drainage pond at Franks Farm (Work 9T) including considering its location (provided that is consistent with the powers under the DCO.’

2.6 Proposed shared access

2.6.1 Paragraph 19 of the post-event submission on behalf of Mrs Carver [\[REP4-389\]](#) requests the *‘provision of a dual-purpose access drive to serve the operational highway land on the eastern boundary of the property and the courtyard area framed in part by the curtilage listed buildings, to be used for commercial office and leisure uses... The intention would be for this to be aligned on the western side with a 2 metre high solid timber fence to allow for privacy and security’*. This followed discussion at CAH2 regarding a shared access for maintenance and commercial use as shown by the pink based line on Plan Showing Existing Context & Requested Dual Access & Reinstated Barn [\[AS-152\]](#).

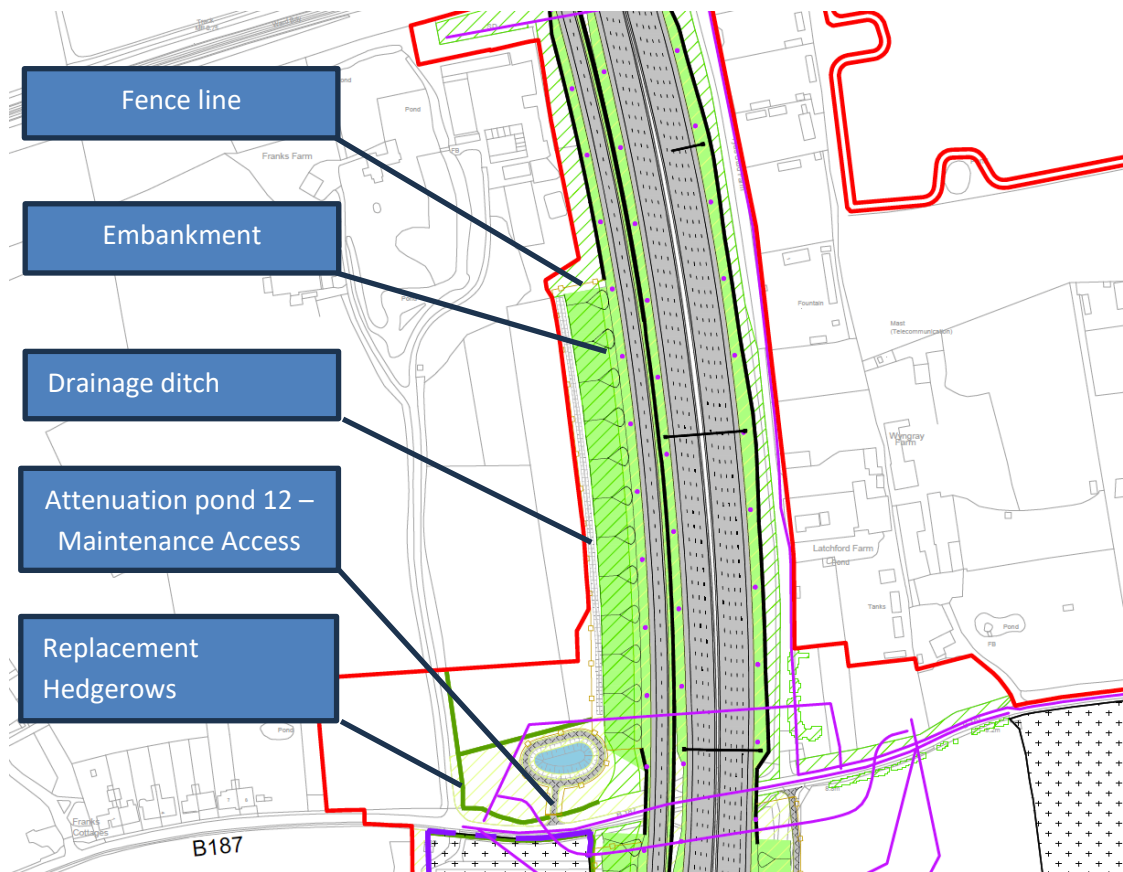
2.6.2 The Applicant has reviewed the proposed operational access arrangements for the Project in this location and there appears to have been a misinterpretation of the Project proposals by Mrs Carver regarding a proposed maintenance vehicle access track.

2.6.3 No vehicle maintenance access is proposed along the embankment and therefore there is no opportunity to create a ‘shared access’ as requested, nor is

there a requirement for a timber fence for privacy. There will however be a boundary fence and replacement hedgerows. This is illustrated below in Plate 2.3 which is an extract from General Arrangement Plans Volume C (sheets 21 to 49) [REP3-031] Sheet 44 with labels added to key features.

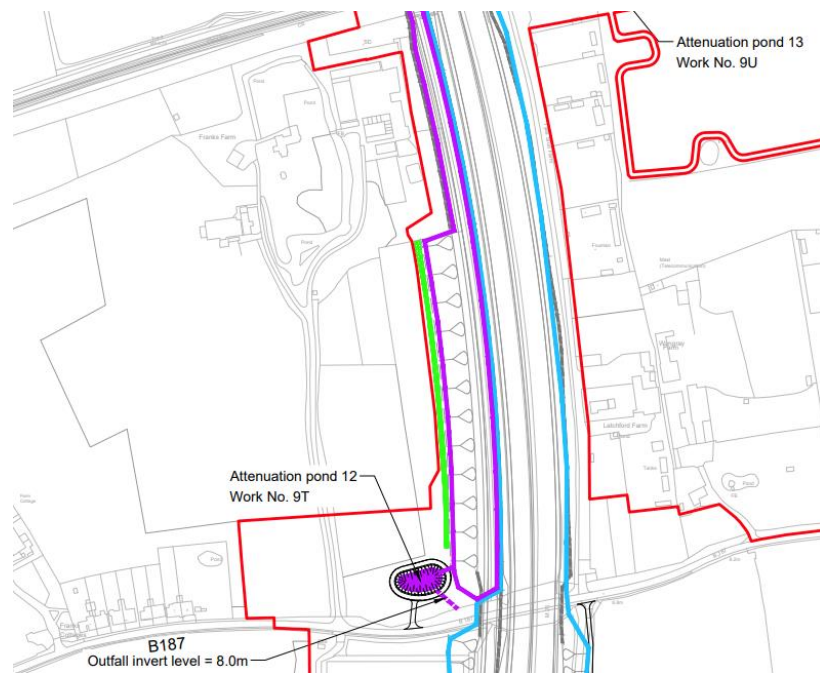
- 2.6.4 Whilst maintenance vehicle access is proposed as part of Attenuation Pond 12 (Work No. 9T) adjacent to St Mary's Lane, this only provides infrequent maintenance access to the attenuation pond. The Applicant only requires foot access to the embankment and retaining wall for maintenance and inspection purposes.

Plate 2.3 Extract from General Arrangement Plans Volume C, Sheet 44



- 2.6.5 For the avoidance of doubt, the drainage ditch, as labelled on Plate 2.3, is confirmed by the green line on Sheet 44 of Drainage Plans Volume C (sheets 21 to 49) [REP4-080] as shown on Plate 2.4.

Plate 2.4 Extract from Drainage Plans Volume C, Sheet 44



2.7 Water treatment plant

- 2.7.1 Paragraph 5 of the post-event submission on behalf of Mrs Carver [REP4-389] make reference to the existence of a private water treatment plant, the location of which has now been confirmed following the accompanied site visit and concerns that the Project would have a detrimental impact on it.
- 2.7.2 The private water treatment plant is located within Plot 44-16, for which, temporary possession of land with acquisition of permanent rights is required to enable utility diversion Work MU84 as set out above.
- 2.7.3 In order to provide explicit assurance on the considerations the Applicant will make at the detailed design stage, the following commitment has been included in the Stakeholder Actions and Commitments Register submitted at Deadline 5 [Document Reference 7.21 (3)]:

'Franks Farm Water Treatment Plan, SACR-013, As part of the detailed design, the undertaker must design and carry out Work No MU84 to reasonably ensure the protection of the existing water treatment plant in Plot 44-16 at Franks Farm so far as is reasonably practicable. Should the works affect the existing water treatment plant, National Highways will be responsible for replacing it to its current function, size and capability at National Highways expense.'

2.8 Loss of trees and the removal of vegetation

- 2.8.1 The post-event submission on behalf of Mrs Carver [REP4-389] raises concern over the loss of trees and the removal of vegetation adjacent to the M25 and along St Mary's Lane.
- 2.8.2 The Project has assumed a worse case vegetation removal, which includes removal of trees and hedgerows to the east and south-east of Franks Farm for

construction of the retaining wall, embankment, proposed attenuation basin and the diversion of utilities and associated working area.

2.8.3 However, the Project has made a commitment in the Register of Environmental Actions and Commitments (REAC) in Environmental Statement (ES) Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP4-138] that:

‘Detailed design for the Project, including diverted utilities, will aim to reduce the removal of trees and vegetation as far as reasonably practicable...’.

2.8.4 The Project also has a commitment in Clause LSP.01 of the Design Principles [REP4-146] for the retention of existing vegetation as follows:

‘All existing vegetation shall be retained as far as reasonably practicable in order to:

- *preserve its intrinsic ecological value*
- *preserve the existing woodland character and pattern*
- *preserve its function as a natural screen to the works*
- *preserve the natural enclosed woodland settings for existing adjacent properties.*

Minimum areas of retained woodland and hedges are shown in the Environmental Masterplan (Application Document 6.2, Figure 2.4). However, even outside these areas, existing vegetation shall be retained as far as reasonably practicable. Measures for the protection of retained vegetation during site clearance works are provided for in REAC item LV028 (Application Document 6.3, Appendix 2.2). Details relating to root protection for veteran or ancient trees are defined within the REAC document, item LV030.’

2.8.5 The Applicant considers that the above commitments provide sufficient reassurance that trees, hedgerows and vegetation will be retained as far as reasonably practicable.

2.8.6 However, to provide explicit reassurance to Mrs Carver regarding the commitment to retain vegetation fronting onto St Mary’s Lane the following commitment has been added to the Stakeholder Actions and Commitments Register submitted at Deadline 5 [Document Reference 7.21 (3)]:

‘Retention of vegetation at Plot 44-07, SACR-012, As part of the detailed design, the undertaker must use reasonable endeavours to identify the trees, hedgerows and vegetation which can be retained in Plot 44-07 at Franks Farm, specifically fronting onto St Mary’s Lane.’

2.9 Landscape planting

2.9.1 Paragraph 23 of the post-event submission on behalf of Mrs Carver [REP4-389] raises concern regarding the proposed landscape planting proposed as part of the Project and that there has been a recent change in the proposals at Franks Farm from woodland planting to shrubs and intermittent trees.

2.9.2 The Applicant can confirm that there has been no change to the landscape planting proposals at Franks Farm since submission of the application.

- 2.9.3 As shown on ES Figure 2.4: Environmental Masterplan Section 14 (10 of 10) [\[REP2-031\]](#), on completion of construction, the proposed embankment and other land within the Order Limits to the north would be replanted with shrubs and intermittent trees, which is designed to replicate the existing trees and vegetation at the site.
- 2.9.4 The outline Landscape and Ecology Management Plan [\[REP4-140\]](#) LE2.5 Shrubs with Intermittent Trees states:
- '8.11.1 Mixed, mainly native deciduous shrubs with intermittent larger tree planting with native/commonly naturalised ground flora.*
- 8.11.2 Shrubs with intermittent tree planting are proposed throughout the Project where constraints caused by land availability, overhead and underground utilities and local constraints that mean that traditional woodland planting cannot be achieved, but some tree cover is required.*
- 8.11.3 Shrubs with intermittent tree planting are proposed on embankments to structures to soften the appearance of the engineered structures and to tie the earthworks into the adjacent landscape.*
- 8.11.4 Shrubs with intermittent tree planting are proposed adjacent to or directly under/over utilities, where constraints mean that larger tree planting cannot be achieved. The species mix allows for suitable species to be planted within agreed distances of the utilities following guidance and agreement with the relevant statutory undertaker, but still aim to achieve a scrubby/woodland character, particularly adjacent to existing woodland areas, where the intermittent trees can be located to the periphery of the planting area to transition from woodland to smaller shrubs.*
- 8.11.5 A list of potential species to be considered for the species mix for shrubs with intermittent trees is shown in the Appendix to the Design Principles (Application Document 7.5). Species selection should consider the underlying geology and substrate used within the planting areas.'*
- 2.9.5 In addition, the Project has included a commitment to include larger stock trees in Clause S14.09 in the Design Principles [\[REP4-146\]](#) which states:
- '... Planting shall be provided to soften the visual impact of the structures. Planting on the embankment south of Franks Farm to include larger stock trees as part of the planting/woodland screening mix as defined in the Environmental Masterplan (Application Document 6.2, Figure 2.4).'*
- 2.9.6 Clause STR.13 of the Design Principles [\[REP4-146\]](#) also elaborates on planting around utilities as follows:
- 'Planting proposed within the proximity of underground and overhead utilities shall adhere to the relevant Statutory Undertaker and asset owner's planting policies, guidelines and easement considerations. Planting within utility corridors shall avoid appearing as 'notches' in long distance views and shall be designed to transition into the adjacent planting in a naturalistic manner.'*
- 2.9.7 Replacement planting adjacent to Franks Farm and on the embankment further south, has taken consideration of the underground multi-utility works. Through the scheme, shrubs with intermittent tree planting have been proposed above multi-utility works. This is to ensure that during detailed design, within the

easement of the utility corridor a mixture of grass and shrubs could be planted, adhering to the asset owners planting policies. Outside of the easement, tree planting can take place. This will be designed to be naturalistic and appear as a mature woodland edge typology.

- 2.9.8 The proposed replacement planting would, once established, provide a similar degree of planting to that which currently exists. Annex A of the Design Principles [[REP4-146](#)] provides an indicative planting palette for planting type LE2.5 Shrubs with Intermittent trees. The exact species composition, including the proportion of tree species would be determined at detailed design stage.
- 2.9.9 The Applicant considers that this planting would, once established, soften views towards the M25 corridor and associated traffic, restoring a green outlook from the adjacent converted farm buildings. In addition, a replacement hedgerow would be provided where necessary to replace removed sections of existing hedgerow along the north side of St Mary's Lane (public highway) and the east side of St Mary's Lane (private drive).
- 2.9.10 The translocation of existing trees to be removed is not proposed because this is technically very difficult to successfully achieve. It is therefore considered more effective to plant new trees, which are quicker to establish and better able to adapt to the specific environmental conditions at the intended planting locations.

3 Heritage

3.1 Introduction

- 3.1.1 The post-event submission on behalf of Mrs Carver [[REP4-389](#)] raises concern regarding the setting of designated heritage assets in paragraphs 25 to 36, suggesting that there will be ‘substantial harm’ to Franks Farmhouse Grade II listed building.

3.2 Applicant’s response

- 3.2.1 Franks Farmhouse (LB115) and its curtilage buildings are considered as one asset in line with section 1. (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and described in paragraph 6.4.391 and assessed in paragraphs 6.6.269 and 6.6.349 in ES Chapter 6: Cultural Heritage [[REP4-116](#)]. The non-designated large barn is described and assessed separately as it is not a curtilage listed building as its construction was later than 1 July 1948. The curtilage listed buildings are described and their value discussed in ES Appendix 6.1: Cultural Heritage Desk-based Assessment (1 of 4) at paragraphs 5.3.263, 5.3.264, 5.3.456 and 5.3.472 [[APP-351](#)].
- 3.2.2 The setting of a heritage asset is the surroundings in which that asset can be experienced, and that can make a positive or negative contribution to the significance of the heritage asset. As Historic England guidance on setting makes clear in The Setting of Heritage Assets (Historic England, 2017) the setting itself is not an asset or a designation. Its importance lies in the contribution it makes to the significance of the asset or the ability to appreciate the asset. The National Planning Policy Framework (NPPF) explains that setting is not fixed and changes as the asset or its surroundings evolve (Department for Levelling Up, Housing and Communities, 2012). Therefore, the setting of Franks Farmhouse and the contribution it makes to the significance of the designated assets and the ability to appreciate those assets must be assessed as it is today.
- 3.2.3 In common with many other Essex farmsteads the origins lie before the Norman Conquest, and an Anglo-Saxon manor (2024) is known to have existed in the area, this is likely to be focussed on the moated site (578), parts of which are still visible, paragraph 5.3.134 [[APP-351](#)]. It was during the medieval and post-medieval period that the place of Franks Farm within the landscape, including the association with nearby woodland such as Franks Wood (83) was established, paragraph 5.4.80. In 1889 the Romford and Grays Railway Line (714) to the north of Franks Farm was constructed and in the 20th century transport infrastructure, including the M25 were constructed to the north and east. The construction of the Project and its operation have no impact on this historical context.
- 3.2.4 Franks Farmhouse (LB115) is a typical Essex farm surrounded by farm buildings, some of these are relatively modern and none have been used for agricultural activities for some time. However, the original agricultural character of the asset is still legible. The construction of the Project and its operation have no impact on this historical character.

- 3.2.5 The setting of Franks Farmhouse today contributes to the significance of the asset in a number of ways, the presence of the moat (578) demonstrates the age and longevity of the site and contributes to the significance of Franks Farmhouse through its evidential and historical value. There are views over open agricultural landscapes to the south and west that contribute to the significance of Franks Farmhouse through their historic value. These contribute positively to the setting of the asset and contribute to the significance of the asset. The curtilage listed buildings have been sensitively restored and while their direct agricultural connection to the operation of the farm has long been severed, they form part of the setting of Franks Farmhouse and contribute to its significance through their historical value.
- 3.2.6 The extensive planting to the east of the farmhouse separates the farmhouse from the associated agricultural buildings, including the curtilage listed structures in a way that was not intended during the operation of Franks Farm in the 19th and 20th centuries. The presence of the existing M25 contributes a level of existing noise and visual intrusion. The conversion of the curtilage listed buildings and the use of the farmyard area as carparking has removed a direct link between these buildings and the farmhouse as agricultural buildings.
- 3.2.7 These elements, the moat, the open landscape views, the curtilage listed buildings, the trees and the M25 all form part of the setting of the listed building, and in the case of the curtilage listed buildings have their own setting.
- 3.2.8 But as stated in NPPF Annex 2: Glossary the setting may make a positive or negative contribution to the significance of the asset, in this case Franks Farmhouse (LB115) and its curtilage buildings.
- 3.2.9 The construction of the Project or its operation has no impact on the presence of the moat or the wider views to the south and west so does not affect these positive contributions to the significance of the asset.
- 3.2.10 The construction of the Project or its operation has no impact on any views to the west from the curtilage listed buildings or their relationship to the farmhouse and does not affect these positive contributions to the significance of the asset.
- 3.2.11 The setting of the curtilage buildings is already closely bounded to the east by the M25, which has introduced additional noise and visual intrusion. Noise makes a minimal contribution to the significance of the assets, the late 19th century agricultural buildings were constructed as working environments. No views over open landscape to the east exist from Franks Farmhouse.
- 3.2.12 The construction of the A122 northbound link road and enlargement of the M25 would cause temporary changes to the setting of this asset by introducing additional noise, lighting, and visible construction machinery. The Project would slightly increase the scale of the existing motorway infrastructure adjacent to the asset.
- 3.2.13 The Applicant does not agree that the Project will cause ‘*substantial harm on the settings of the heritage assets*’ and has assessed the impact in ES Chapter 6: Cultural Heritage [REP4-116] paragraphs 6.6.269 and 6.6.349 as slight adverse effects that are not significant.
- 3.2.14 As set out in the previous section, landscape planting is proposed to soften views towards the M25 corridor and associated traffic, restoring a green outlook

from the adjacent converted farm buildings. Consequently, the mitigation/compensation measure suggested at paragraph 34 of the post-even submission on behalf of Mrs Carver [REP4-389], of reinstating a former barn on the eastern side of the former farmyard (that has not existed at the site for over 40 years), is not necessary, nor can it be justified as part of the Project.

4 Noise

4.1 Introduction

- 4.1.1 The post-event submission on behalf of Mrs Carver [REP4-389] raises concerns regarding the noise impact of the Project in paragraphs 37 to 42 which summarise the Appendix A in which Sharps Redmore Acoustic Consultants provide a response to the Applicant's response [REP2-051] to the Written Representation from the Lawson Planning Partnership [REP1-389].

4.2 Applicant's response

- 4.2.1 The Applicant's responses to the points raised within Appendix A of the post-event submission on behalf of Mrs Carver [REP4-389] are set out below.

Point 2 – Baseline noise levels (noting there is no point 1 within Appendix A)

- 4.2.2 The 44.9dB within Table 2.8 of ES Appendix 12.4: Construction Noise and Vibration Assessment [APP-444] has been derived by subtracting 20dB from the daytime measured value at A-NML 27. This is considered a cautious approach and the Applicant acknowledges that alongside a motorway the difference between a daytime and night-time noise level is likely to be less than 20dB. However, with the night-time Significant Observed Adverse Effect Level (SOAEL) being based upon the measured noise level, by adopting this cautious approach a lower night-time SOAEL is derived.

Point 3 – Construction noise

- 4.2.3 In relation to measuring the impact of BPM, the Applicant would comment that the level of mitigation required to reduce noise level to below SOAEL, as described within Table 12.35 of ES Chapter 12: Noise and Vibration [APP-150], will be secured by REAC commitment NV007 as part of ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP4-138]. With this mitigation in place the Applicant does not consider that there will be a residual significant adverse effect at Franks Farm from night-time construction works.

Points 4 & 5 – Operational noise

- 4.2.4 In response to Sharps Redmore Acoustic Consultants' reference to paragraph 5.195 of the National Policy Statement for National Networks (NPSNN) which sets out that developments should '*contribute to improvements to health and quality of life through the effective management and control of noise*' (Department for Transport, 2014), the Applicant would note that the aims of the NPSNN also need to be considered within the context of sustainable development, as is stated within paragraph 5.195 of the NPSNN. As stated within paragraph 3.65 of Design Manual for Roads and Bridges (DMRB) LA 111 Noise and Vibration (Highways England, 2020), when considering the provision of mitigation measures, including acoustic screening, factors need to be considered to determine the suitability of the mitigation measures. These factors would include a comparison of the monetised noise benefit of a mitigation

measure against the cost of the mitigation measure. Within point 5 of the Applicant's response [REP2-051] to the Written Representation from the Lawson Planning Partnership [REP1-389], it was stated that '*Based on professional judgement and the calculations undertaken at other locations to determine the suitability of noise barriers, the Applicant considers that a noise barrier in this location would not prove to be cost effective or proportionate*'. The Applicant therefore considers that the Project meets the aims of the NPSNN as the cost for providing acoustic screening in this location would outweigh the benefit.

References

Department for Levelling Up, Housing and Communities (2012). National Planning Policy Framework, Annex 2: Glossary Accessed September 2023.

<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>.

Department for Transport (2014). National Policy Statement for National Networks.

Highways England (2020). Design Manual for Roads and Bridges LA 111 Noise and vibration. Accessed September 2023.

www.standardsforhighways.co.uk/tses/attachments/cc8cfcf7-c235-4052-8d32-d5398796b364?inline=true

Historic England (2017). The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition). Accessed September 2023.

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>.

Glossary

Term	Abbreviation	Explanation
A122		The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1)
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
A122 Lower Thames Crossing/M25 junction		New junction with north-facing slip roads on the M25 between M25 junctions 29 and 30, near North Ockendon.
A13/A1089/A122 Lower Thames Crossing junction		Alteration of the existing junction between the A13 and the A1089, and construction of a new junction between the A122 Lower Thames Crossing and the A13 and A1089, comprising the following link roads: <ul style="list-style-type: none"> • Improved A13 westbound to A122 Lower Thames Crossing southbound • Improved A13 westbound to A122 Lower Thames Crossing northbound • Improved A13 westbound to A1089 southbound • A122 Lower Thames Crossing southbound to improved A13 eastbound and Orsett Cock roundabout • A122 Lower Thames Crossing northbound to improved A13 eastbound and Orsett Cock roundabout • Orsett Cock roundabout to the improved A13 westbound • Improved A13 eastbound to Orsett Cock roundabout • Improved A1089 northbound to A122 Lower Thames Crossing northbound • Improved A1089 northbound to A122 Lower Thames Crossing southbound
A2		A major road in south-east England, connecting London with the English Channel port of Dover in Kent.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Construction		Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access), and ends with demobilisation.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual containing requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is highway authority. For the A122 Lower Thames Crossing the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.

Term	Abbreviation	Explanation
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Highways England		Former name of National Highways.
M2 junction 1		The M2 will be widened from three lanes to four in both directions through M2 junction 1.
M2/A2/Lower Thames Crossing junction		New junction proposed as part of the Project to the east of Gravesend between the A2 and the new A122 Lower Thames Crossing with connections to the M2.
M25 junction 29		Improvement works to M25 junction 29 and to the M25 north of junction 29. The M25 through junction 29 will be widened from three lanes to four in both directions with hard shoulders.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
National Planning Policy Framework	NPPF	A framework published in March 2012 by the UK's Department of Communities and Local Government, consolidating previously issued documents called Planning Policy Statements (PPS) and Planning Practice Guidance Notes (PPG) for use in England. The NPPF was updated in February 2019 and again in July 2021 by the Ministry of Housing, Communities and Local Government.
National Policy Statement	NPS	Set out UK government policy on different types of national infrastructure development, including energy, transport, water and waste. There are 12 NPS, providing the framework within which Examining Authorities make their recommendations to the Secretary of State.
National Policy Statement for National Networks	NPSNN	Sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc that require a development consent under the Planning Act 2008.
North Portal		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
Operation		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.

Term	Abbreviation	Explanation
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Planning Act 2008		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.
Project road		The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1).
Project route		The horizontal and vertical alignment taken by the Project road.
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2023 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000***.

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363