

Lower Thames Crossing

9.152 Responses to the Examining Authority's ExQ2 Appendix I – 13. Social, Economic & Land-Use Considerations

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1 Introduction

1.1 Introduction

- 1.1.1 This document has been prepared by the Applicant to set out its responses to the ExQ2 - Examining Authority's (ExA's) written questions and requests for information (ExQ2) [[PD-040](#)].
- 1.1.2 These can be found in Tables set out under the following headings:
- a. Climate Change and carbon emissions (Found in Appendix A)
 - b. Traffic and transportation (Found in Appendix B)
 - c. Air quality (Found in Appendix C)
 - d. Geology and soils (Found in Appendix D)
 - e. Tunnelling considerations (Found in Appendix D)
 - f. Waste and materials (Found in Appendix D)
 - g. Noise and vibration (Found in Appendix E)
 - h. Road Drainage, water environment and flooding (Found in Appendix F)
 - i. Biodiversity (Found in Appendix G)
 - j. Physical effects of development and operation (Found in Appendix H)
 - k. Social, economic and land-use considerations (Found in Appendix I)
 - l. The acquisition and temporary possession of land and rights (Found in Appendix J)
 - m. General overarching questions (Found in Appendix J)

2 Responses to the Examining Authority's ExQ2 13

PINS ID	Question to:	Question / Response
ExQ2_Q13.1.1	Applicant	<p>Benefits and outcomes</p> <ul style="list-style-type: none"> • In response to ExQ1 Q13.1.6 the Applicant acknowledged that Designated Funds referred to in the Application material as benefits of the Project are not actually benefits of the Project. The Applicant is asked to provide an update to Section 2.9 of ES Chapter 2 – Project Description [APP-140] accordingly, addressing this point. • In response to ExQ1 Q13.1.15 relating to the Skills, Education and Employment Strategy, the Applicant has pushed back on local authority requests to secure the Strategy as a control document, in the interest of retaining flexibility for the contractor. The ExA remains concerned that the commitment to ‘make best endeavours’ to deliver the Strategy even by way of s106 Agreement has no force and given that the Strategy is promoted as a benefit of the Project in Document 7.20 - Benefits and Outcomes [APP-553] it should have more security if the ExA is expected to give weight to it in the planning balance. The ExA requests that the Applicant gives further consideration to the status of this Strategy as a claimed social value benefit of the Project and provides the ExA with an update at Deadline 6. <p>Response:</p> <p><i>‘In response to ExQ1 Q13.1.6 the Applicant acknowledged that Designated Funds referred to in the Application material as benefits of the Project are not actually benefits of the Project. The Applicant is asked to provide an update to Section 2.9 of ES Chapter 2 – Project Description [APP-140] accordingly, addressing this point.’</i></p> <p>The Applicant does not consider it necessary to amend Section 2.9 of Environmental Statement Chapter 2: Project Description [APP-140] as suggested. The text already makes it clear that the benefits referred to are “in addition to delivering the objectives of the Project” and are “additional benefits” which “currently sit outside of the DCO application and control documents” (paragraph 2.9.1). Paragraph 2.9.2 goes on to explain that they would be funded through the National Highways Designated Funds programme, i.e. not by the Project itself.</p> <p>The same message is given in the Benefits and Outcomes Document [APP-553] which makes clear in the opening sentence (paragraph 1.1.1 of the Executive Summary) that the document “provides further</p>

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		<p><i>information on National Highways' activities that are being delivered outside the framework of the Development Consent Order (DCO) for the A122 Lower Thames Crossing (the Project)".</i></p> <p>Further information about the Designated Funds programme can be found at Section 4.2 of the Benefits and Outcomes Document [APP-553].</p> <p><i>'In response to ExQ1 Q13.1.15 relating to the Skills, Education and Employment Strategy, the Applicant has pushed back on local authority requests to secure the Strategy as a control document, in the interest of retaining flexibility for the contractor. The ExA remains concerned that the commitment to 'make best endeavours' to deliver the Strategy even by way of s106 Agreement has no force and given that the Strategy is promoted as a benefit of the Project in Document 7.20 - Benefits and Outcomes [APP-553] it should have more security if the ExA is expected to give weight to it in the planning balance. The ExA requests that the Applicant gives further consideration to the status of this Strategy as a claimed social value benefit of the Project and provides the ExA with an update at Deadline 6.'</i></p> <p>First, it should be noted that there have been discussions with some of the relevant local authorities and the Applicant has also considered further whether the proposed section 106 agreement is the appropriate mechanism to secure the Skills, Education and Employment Strategy (SEES). As a result, the Applicant is proposing to deal with the matter by removing the SEES provisions from the proposed s106 agreement and adding them to the Stakeholder Actions and Commitments Register (SAC-R). By this means the SEES would be a control document and a requirement to adhere to it would be provided by Article 61 of the draft Development Consent Order (dDCO) [REP5-024]. The Applicant will amend the dDCO in order to accommodate this change in the next iteration of it. The Applicant is in the process of discussing the terms of the provisions to be added to the SAC-R with the relevant local authorities with a view to submitting the provisions in the light of those discussions at D7. However, this change in approach does not affect the justification for the relevant best endeavours obligations, explained further below.</p> <p>The Applicant's Deadline 4 Submission 9.89 Responses to the Examining Authority's ExQ1 Appendix I – 13. Social, Economic and Land-Use Considerations [REP4-201] is deliberate in its use of language with regard to the commitments given. It is not the case that a commitment to use best endeavours, whether in a section 106 obligation or elsewhere, to deliver the SEES or relevant parts of it, has no force. To the contrary, the phrase "best endeavours", which applies to the Applicant and its Contractors and supply chain partners (under paragraphs 7.2.1 and 7.2.3 of the Applicant's Deadline 4 Submission 7.3 Section 106 Agreements – Heads of Terms v2.0 (Clean) [REP4-144]), is a high bar to be achieved, as it requires the Applicant and its Contractors and supply chain to take all steps that a prudent, determined, and reasonable person acting in</p>

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		<p><i>their own interest and desiring the result would take; in short, the party with the obligation must do everything within its power to achieve the desired result. Accordingly, a best endeavours obligation is enforceable and strong enough to be given substantial weight by the ExA and Secretary of State.</i></p> <p>Further, a best endeavours obligation is appropriate for these particular commitments in the SEES. A best endeavours commitment, as opposed to an unqualified obligation, is appropriate where delivering on a commitment relies in part on the activities of third parties, or other matters beyond the Applicant's (or its Contractors' or suppliers') control or which it would be impossible to predict with 100% certainty at this stage in the DCO process. For instance, meeting the proposed targets for a proportion of the workforce to be drawn from local residents (as set out in paragraph 7.2.3 of the SEES, which currently comprises Appendix B of the s106 Heads of Terms document [REP4-144]) is not wholly within the Applicant's or its Contractors' or suppliers' control. For example, they cannot prevent local residents from moving outside the locality once employed. Nor can they meet the targets if, despite the use of best endeavours, insufficient applications are made for jobs in particular categories. Similarly, while the Applicant and its Contractors and suppliers can make training available to the requisite number of people to meet the targets in 7.2.3(c) of [REP4-144], it cannot require people to attend that training. Accordingly, an absolute obligation would not be appropriate. In the circumstances, a best endeavours obligation is the strongest obligation that can realistically apply and should be given weight as such. Where an absolute obligation can appropriately be given to matters in the draft SEES, it will be, for example covering the matters within the Applicant's control in paragraphs 7.2.4 to 7.2.9 of the s106 Heads of Terms document [REP4-144].</p> <p>It should also be noted, as explained within in it, that the SEES is the first version of such a strategy and will be updated at least once every two years (paragraph 7.2.1 of the s106 Heads of Terms [REP4-144]) and supplemented in due course by bespoke Employment and Skills Plans to be produced by Contractors in alignment with the overarching SEES as monitored and reviewed by the Employment and Skills Working Groups (paragraph 7.2.4 of the s106 Heads of Terms [REP4-144]).</p> <p>Accordingly, the Applicant considers that the approach proposed is reasonable and proportionate and sufficiently certain (given the need for some flexibility) to be given due weight in the planning balance.</p>

PINS ID	Question to:	Question / Response
ExQ2_Q13.1.2	Applicant, LPAs	<p>Green Belt: applicability of ‘inappropriate development’</p> <p>NPSNN paragraph 5.178 addresses development in the Green Belt in the following terms. “When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.”</p> <p>Inappropriate development in the Green Belt for the purposes of the NPSNN takes the same meaning as it does in the NPPF (see footnote 108).</p> <p>NPPF paragraph 150 addresses inappropriate development in the Green Belt and makes clear that “[c]ertain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.” Local transport infrastructure which can demonstrate a requirement for a Green Belt location is included within the description of development that is not inappropriate in these terms.</p> <p>It seems that the Applicant’s Green Belt Assessment [APP-500] has accepted that the project as a whole represents ‘inappropriate development’ in the Green Belt, resulting in ‘definitional harm’ to which significant weight should be attached in the planning balance. However, having regard to the NPSNN and NPPF positions set out above, the ExA is not clear that is the case in policy terms.</p> <ul style="list-style-type: none"> • Is the proposed development (or are any relevant elements of it) ‘local transport infrastructure’ which can demonstrate a requirement for a Green Belt location, and if so, • what elements of the projects fall within that definition and what are the policy consequences of that? <p>The Applicant is requested to address this matter at Deadline 6 and the LPAs to respond at Deadline 7.</p>

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		<p>Response:</p> <p>The Project comprises some elements which are local transport infrastructure, but it is primarily not local transport infrastructure. The Project as proposed is 23km in length, 4.25km of which would be in twin-bore tunnels under the River Thames. It would represent a substantial and significant new addition to the strategic road network (SRN). It would include major new and modified junctions with the existing strategic (and local) road network and would involve the creation of substantial new embankments, earthworks and structures. It would comprise 50 new highway crossings in the form of road bridges, underpasses, green bridges and footbridges. It would include a number of ancillary utility infrastructure diversions which are of such a magnitude that they comprise Nationally Significant Infrastructure Projects in their own right.</p> <p>There are elements of the Project that could be considered 'local transport infrastructure' and could demonstrate a requirement for a Green Belt location as they are necessary to connect to the strategic road network that will be located in the Green Belt and therefore there is no alternative other than a location in the Green Belt.</p> <p>In particular, the following elements of the Project could be considered 'local transport infrastructure':</p> <ul style="list-style-type: none"> • Local connector roads • Walking, cycling and horse riding (WCH) routes • Some local road underbridges and overbridges <p>It is recognised that these elements of the Project, when considered individually, could be development that is not 'inappropriate' in the Green Belt, but only provided those elements preserve the openness and do not conflict with the purposes of including the land within the Green Belt.</p> <p>The policy consequence of this is that, where elements of the Project are not 'inappropriate development' it would not be necessary to demonstrate very special circumstances for these elements.</p> <p>On a precautionary basis, the Project as a whole is considered to be inappropriate development and, as such, very special circumstances for the entire Project have been demonstrated in Appendix E of the Planning Statement [APP-500]. The Applicant will provide further detail on the level of the harm to the Green Belt, which will be an update to Section E.6 of Appendix E of the Planning Statement requested by the ExA in ExQ2 13.1.3, and will submit this as requested at Deadline 7.</p> <p>The rest of this response provides (notwithstanding the position that the Project should be considered inappropriate development as a whole) the Applicant's judgement on what elements could fall under the</p>

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		<p>exemptions of paragraphs 149 and 150 of the National Planning Policy Framework (NPPF)¹ if considered in their own right.</p> <p>Introduction and summary</p> <p>The Planning Statement Appendix E: Green Belt [APP-500] provides an assessment of the Project against the relevant planning policy relating to its location (other than the tunnel) within the Green Belt (as summarised in Section E.3 of that document). This includes a consideration of the Project in terms of ‘appropriateness’, an assessment of ‘harm’ and other considerations and a conclusion that that there are ‘very special circumstances’ for the Project.</p> <p>As noted by the ExA this assessment takes a precautionary position that, while recognising there are elements that, considered on their own, would not be ‘inappropriate development’, the Project as a whole does not fall within the exceptions identified in paragraph 149 or 150 of the NPPF.</p> <p>This response seeks to outline which elements of the Project would not be inappropriate development when considered on their own, taking into account all of the exceptions identified in paragraphs 149 and 150 of the NPPF, including local transport infrastructure which is specifically referenced in the question.</p> <p>The response below concludes that some elements of the Project could individually be considered ‘appropriate’ development, including some elements of local transport infrastructure.</p> <p>Appropriate / inappropriate development</p> <p>In accordance with a number of DCO precedents (M4 Junctions 3 to 12 Smart Motorway, Knottingley Power Project, and Tilbury2), disaggregating the elements of the Project in this way is considered relevant in determining the appropriateness of those elements and helpful in understanding the extent of harm to the Green Belt.</p> <p>This section provides a summary of the elements of the Project which could constitute ‘exempted’ development or ‘appropriate’ development in the context set by paragraphs 149 and 150 of the NPPF. The following forms of ‘exempted’ or ‘appropriate’ development are potentially relevant to the Project in this context:</p> <ul style="list-style-type: none"> • Local transport infrastructure

¹ Department for Levelling Up, Housing and Communities (2023). National Planning Policy Framework.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf

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		<ul style="list-style-type: none"> • Engineering operations • Material changes in the use of land • Facilities for outdoor sport and recreation • Extension or alteration of a building • Replacement of a building <p>Taking each of the 'exceptions' in turn, their application to the Project is considered further below:</p> <p>a. Local transport infrastructure</p> <p>While local transport infrastructure bears some relationship to the Project, it is forecast that most journeys along the Project route will be greater than local in length, whether regional, national or international. Although the NPPF does not define 'local transport infrastructure' in a planning context, it is assumed that the mainline alignment of the A122 forming part of the Project, as a highway scheme of national and regional importance, would not fall within this definition. Exceptions of relevance to the Project are considered to include improvements to the Local Road Network, improved connections onto it, local accesses and road widenings, as well as the enhanced WCH network. In this context, it is worth noting there are established precedents for particular DCO projects relying on this 'exemption' (see, for example, the A19 Downhill Lane project).</p> <p>b. Engineering operations</p> <p>It is likely that elements of the Project may be regarded as 'engineering operations'. Where the use of land is of a temporary nature or involves temporary construction activities or machinery, an 'engineering operation' can therefore be regarded as 'appropriate' development, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. While a number of temporary elements may individually comprise engineering works, in some instances of close proximity, they may in combination constitute more than an 'engineering operation' and be regarded as either a building, mining or other operation.</p> <p>c. Material change of use</p> <p>In respect of material changes in the use of land within the Green Belt, such proposals could be regarded as 'appropriate' development where they relate to the exceptions to the normal restrictions on development. Examples of this include the proposed replacement recreational facility at Cascades Leisure Centre, as well as biodiversity mitigation and compensation on existing agricultural land.</p>

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		<p>d. Facilities for outdoor sport and recreation Any built development associated with sports and recreation facilities is likely to be considered appropriate provided it is limited to development that is essential, ancillary and of an appropriate scale and design such that it would maintain the openness of the Green Belt. If the proposed facility does not fall within the scope of this definition, it would be regarded as 'inappropriate'. The Applicant considers that its proposed replacement land at Shorne Woods Country Park, Tilbury Green, Orsett Fen, Ron Evans Memorial Fields, Folkes Lane, Thames Chase, as well as its recreational facilities in Chalk Park and Tilbury Fields, falls within this exemption.</p> <p>e. Extension or alteration of a building The extension or alteration of a building is regarded as 'appropriate' development, provided it does not result in a disproportionate addition over and above the size of the original building. This may be relevant to the Project (e.g. where overhead lines are replaced or upgraded).</p> <p>f. Replacement of a building Similarly, the replacement of an existing building is considered to be 'appropriate' development, provided the new building is in the same use and is not materially larger. This is not considered to be relevant to the Project.</p> <p>The update to Planning Policy Guidance (PPG) published in July 2019 by the Ministry of Housing, Communities and Local Government (now Department for Levelling Up, Housing and Communities)² includes a new section on the role of the Green Belt in the planning system. This includes advice on offsetting the removal of land from the Green Belt by compensatory improvements where it has been demonstrated necessary to release land from the Green Belt for development. This could for instance include the following proposals, which may be regarded as 'appropriate' development (Paragraph: 002 Reference ID: 64-002-20190722):</p> <ul style="list-style-type: none"> • <i>'new or enhanced green infrastructure;</i> • <i>woodland planting;</i>

² Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (2019). Green Belt. Advice on the role of the Green Belt in the planning system. <https://www.gov.uk/guidance/green-belt>

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		<ul style="list-style-type: none"> • <i>landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);</i> • <i>improvements to biodiversity, habitat connectivity and natural capital;</i> • <i>new or enhanced walking and cycle routes; and</i> • <i>improved access to new, enhanced or existing recreational and playing field provision.'</i> <p>Each of these provisions is regarded as having particular relevance to the Project in view of the extent of landscape mitigation and green infrastructure proposed as part of the wider Project enhancements, along with proposals for new and improved walking and cycle routes.</p> <p>Disaggregating the Project elements</p> <p>In disaggregating the constituent parts of the Project into 'appropriate' and 'inappropriate' development, it is necessary for those elements of the Project referred to under the 'appropriate development' headings above to be sufficiently distinct in order to constitute standalone parts. As noted above, this approach is preceded from other DCO applications, and if rejected, there are notwithstanding 'very special circumstances' in justifying the impacts of the Project to the Green Belt.</p> <p>The following criteria are considered by the Applicant to provide a basis on which to assess whether elements of the Project can be regarded as 'appropriate' development or whether each element should be treated as 'inappropriate' development and not considered further as part of this assessment:</p> <ul style="list-style-type: none"> • The geographic proximity of the constituent parts • The extent to which the constituent parts are severable • The extent to which the constituent parts have differing purposes <p>Based on the above criteria, a number of permanent elements of the Project from the earlier list of 'exceptions' to 'inappropriate' development in the Green Belt can be discounted as not meeting the above criteria. The geographic proximity, related purposes, and physical/functional relationship of the following constituent parts of the Project to the main highway works are all considered to constitute a single Project element and are not considered further as part of this assessment:</p> <ul style="list-style-type: none"> • Overbridges • Underpasses • Retaining walls

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		<ul style="list-style-type: none"> • Embankments • Highway widening • Portals • Tunnel • Tunnel Services Buildings • Emergency refuge areas • Turnarounds • Viaduct structures • Culverts <p>In order to determine whether other standalone elements of the Project can be regarded as comprising 'appropriate' or 'inappropriate' development, a three-stage test has been applied as set out below:</p> <ul style="list-style-type: none"> • Stage 1: Whether the Project elements prima facie meet the definition of elements of 'exempted' development or 'appropriate' development. • Stage 2: Where Paragraph 150 applies, whether the Project elements impact on the openness of the Green Belt. <p>Stage 3: Where Paragraph 150 applies, whether the Project elements are consistent with the five purposes of the Green Belt.</p> <p>Stage 1 – Green Belt Project elements meeting the definition of 'appropriate development'</p> <p>Table 1 presents the permanent and temporary Project elements that remain to be assessed. This forms Stage 1 of the three-stage assessment process to determine whether the individual Project elements can be regarded as falling within the express definition of 'appropriate' development.</p>

Table 1 Green Belt Project elements (Stage 1)		
Project elements	Assessment	Reason
Permanent works		
Gantries Signage Variable message signals CCTV Lighting	Inappropriate development	Proposals represent above ground, permanent building works forming part of the SRN. (Where serving a local need/area or Local Road Network, these elements could be regarded as local transport infrastructure and considered 'appropriate' development.)
Ponds: Balancing Drainage Sediment	Appropriate development	Considered to comprise an engineering operation.
Footbridge	Appropriate development	Regarded as local transport infrastructure in serving a local need or area.
WCH routes (walking/cycling/horse riding)	Appropriate development	WCH routes are considered to comprise outdoor recreation .
Existing utility diversions – overhead pylons	Appropriate development	Any extension or alteration of an overhead line and pylon could be regarded as an extension or alteration of an existing building.
Substations	Inappropriate development	Proposal represents above ground, permanent building works forming part of the SRN.
Utility diversions – underground pipelines	Appropriate development	Underground pipelines are regarded as an engineering operation.
Mitigation or enhancement land Landscape works Compensation open access land Flood compensation land	Appropriate development	Such works required to mitigate the immediate impacts of the Project forming part of the SRN, and do not constitute a form of inappropriate development on the basis they are not 'development' for these purposes.
Local roads and access roads	Appropriate development	Access roads are regarded as engineering operations.

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		Traveller site (physical structures)	Inappropriate development	Where this involves above ground, permanent building works.
		Fencing	Inappropriate development	Where this relates to the main road highway works associated with the SRN.
		Temporary engineering works		
		Lighting Construction compounds Ponds WCH routes Earthworks Water course diversion Access roads	Appropriate development	These Project elements relate to standalone, temporary construction activities. The harm to the Green Belt would be temporary and reversable and the long-term integrity of the Green Belt would be protected.
		<p>Through Stage 1, a number of elements are considered to be exempt and therefore appropriate. These are recreational facilities, extension or alteration of a building, and replacement of a building. These are not subject to the further tests in paragraph 150 of the NPPF. However, through Stage 1 of the assessment, a number of Project elements are, on a preliminary basis and subject to Stages 2 and 3, shown to comprise ‘appropriate’ development to be taken forward to the next stage of the assessment process. This will consider the extent to which these proposals are considered to preserve the openness of the Green Belt.</p> <p>Stage 2 – Green Belt openness</p> <p>In line with national planning policy, the fundamental aim of the Green Belt is in preventing urban sprawl by keeping land within it permanently open.</p> <p>The update to Planning Policy Guidance has included the following factors that may be taken into account in assessing the potential impacts of development on the openness of the Green Belt.</p> <p>This includes, but is not limited to the following (Paragraph: 001 Reference ID: 64-001-20190722):</p> <ul style="list-style-type: none"> • ‘Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume. • The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness. 		

PINS ID	Question to:	Question / Response
		<ul style="list-style-type: none"> • <i>The degree of activity likely to be generated, such as traffic generation.</i> <p>This initial 'test' of openness is concerned with identifying whether the Project elements can be regarded as 'exceptions' to development within the Green Belt and not whether they are acceptable uses in the Green Belt which is considered in detail below.</p> <p>Based on the above considerations, Table 2 below presents an assessment of the 'test' of openness in relation to both proposed permanent and temporary elements of the Project, taken forward from the Stage 1 assessment:</p>

Table 2 Stage 2 – ‘Test’ of Openness

Project element	Assessment	Reason
Earthworks (temporary): <ul style="list-style-type: none"> • Landscape proposals • Engineering • Flood defences 	Inappropriate development	Engineered embankments and flood defences provide visually intrusive boundaries and will not assist in preserving the openness and amenity of the Green Belt.
Ponds: <ul style="list-style-type: none"> • Balancing • Drainage • Sediment 	Appropriate development	No harm identified to the openness of the Green Belt, as the ponds by virtue of their assimilation in the landscape will preserve the amenity of the surrounding area.
Footbridge (permanent)	Inappropriate development	An intrusive element within the Green Belt resulting in a visual impact on the openness of the Green Belt, as elevated structures in the landscape.
WCH routes (walkways/cycleways)	Appropriate development (Exempted under Paragraph 149)	Largely open and small-scale pedestrian corridors/cycle routes formed at a low level with non-intrusive public use.
Existing utility diversions – overhead pylons	Appropriate development (Exempted under Paragraph 149)	No greater intrusion to the openness of the Green Belt as a consequence of the diversion of an existing overhead pylon and therefore does not affect the existing openness of the Green Belt.
Utility diversions – underground pipelines	Appropriate development	No harm identified to the openness of the Green Belt by virtue of being underground.
Access roads	Inappropriate development	Harm caused to the openness of the Green Belt due to the urbanising effect of highways and associated activity from vehicles using it. Will intensify the level of development and associated highway activity.
Landscape enhancements <ul style="list-style-type: none"> • Green Infrastructure 	Appropriate development (Exempted under Paragraph 149)	Will preserve the openness and amenity of the Green Belt.

PINS ID	Question to:	Question / Response		
		<ul style="list-style-type: none"> • Woodland planting • Biodiversity Mitigation and Compensation 	<p>Appropriate development (Exempted under Paragraph 149)</p> <p>Appropriate development (Exempted under Paragraph 149)</p>	<p>The scale and impact of woodland planting within the landscape is unlikely to preserve the openness of the Green Belt through the introduction of strong vertical elements in the landscape, though it is not considered to be 'development'.</p> <p>Negligible impact on the openness and amenity of the Green Belt.</p>
		Watercourse diversion (permanent and temporary)	Appropriate development	No harm identified to the openness of the Green Belt, due to the narrow and low-lying nature of watercourses in the landscape.
		Fences (permanent and temporary): <ul style="list-style-type: none"> • Contractor's • Security 	Inappropriate development	An intrusive element within the Green Belt resulting in a visual impact on the openness of the Green Belt, as elevated structures in the landscape.
		Lighting – urban areas (local highway network) (permanent and temporary)	Appropriate development	The proposed lighting columns will be slender where sited in an urban setting. No impact of the lighting units on night skies by virtue of the surrounding highway activity and built-up areas.
		Lighting – rural areas (local highway network) (permanent and temporary)	Inappropriate development	For rural areas, lighting columns have a greater visual and aesthetic impact including impacts on night-time light pollution.
		Contractor's compounds (temporary)	Inappropriate development	Comprising various structures, hardstanding areas, access tracks and materials that collectively will appear as obtrusive features in the landscape.
		Signage (temporary)	Appropriate development	Relatively small-scale Contractor's signage generally of a scale that would not impact on the openness of the Green Belt.

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		<p>The final stage in the assessment process is to determine whether those Project elements identified as meeting the 'test' of openness in Table 2 are consistent with the five purposes of the Green Belt.</p> <p>Stage 3 – Green Belt purposes</p> <p>In determining the extent to which harm may be caused to the Green Belt as a result of development proposals, reference is made to the five purposes of the Green Belt, as set out in paragraph 138 of the NPPF. To assist in understanding the meaning of the purposes and how they can be differentiated from each other, the following explanation of the terms has been used by the Applicant as part of the assessment.</p> <ul style="list-style-type: none"> • To check the unrestricted sprawl of large built-up areas <ul style="list-style-type: none"> – Can be defined as the irregular and unfettered spread of an urban area outwards and includes cities, towns or villages. • To prevent neighbouring towns merging into one another <ul style="list-style-type: none"> – Can be defined as the role that an area plays in preventing towns merging and relates to the proximity of neighbouring towns. This can include the physical or visual linking of settlements or areas of built development, providing a sense of separation when leaving one settlement and entering another. • To assist in safeguarding the countryside from encroachment <ul style="list-style-type: none"> – Encroachment can be defined as the gradual advancement of an urban area beyond an acceptable or established limit of development. Can be characterised as the absence of built development or any urbanising influences within an area. • To preserve the setting and special character of historic towns <ul style="list-style-type: none"> – This aspect relates to the impact of a development on the setting and special character of historic towns. • To assist in urban regeneration by encouraging the recycling of derelict and other urban land <ul style="list-style-type: none"> – By restricting the availability of land for development all areas of Green Belt effectively assist in urban regeneration by promoting the reuse of derelict and underutilised land within existing settlements. The extent to which each project contributes to regeneration aspirations needs to be assessed. <p>Within the context of this assessment, it is concluded that the most relevant Green Belt purpose in considering the individual elements of the Project is that which seeks '<i>to assist in safeguarding the countryside from encroachment</i>'. The nature and scale of the individual Project elements are not, by themselves, considered to have any bearing on the other four purposes of the Green Belt, namely checking</p>

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		<p>the sprawl of large built-up areas, preventing the merger of neighbouring towns, preserving the setting and special character of historic towns or assisting urban regeneration by encouraging the recycling of derelict and other urban land.</p> <p>For those Project elements that can be described as having an urbanising effect within the landscape, these are not considered, '<i>to assist in safeguarding the countryside from encroachment</i>' and are therefore discounted from further consideration, but rather are treated as comprising 'inappropriate' development.</p> <p>However, the following Project elements are considered to preserve the rural and open nature of the landscape in line with the policy requirement '<i>to assist in safeguarding the countryside from encroachment</i>'. These elements, comprising both permanent and temporary works, can therefore be regarded as comprising 'appropriate' development within the context of the Project:</p> <ul style="list-style-type: none"> • Ponds • WCH routes • Existing utility diversions – overhead pylons • Utility diversions – underground pipes • Earthworks (temporary) • Water course diversions • Temporary mineral extraction • Fences • Open space, including replacement open space and new parks • Biodiversity improvements, including nitrogen deposition compensation <p>Conclusion</p> <p>It is recognised that some elements of the Project could individually be considered 'appropriate' development. The policy consequence of this is that it would not be necessary to demonstrate very special circumstances for these elements.</p> <p>As noted by the ExA the assessment in Appendix E of the Planning Statement [APP-500] takes a precautionary position that while recognising there are elements that, considered on their own, would not be 'inappropriate development', the Project as a whole does not fall within the exceptions identified in paragraph 149 or 150 of the NPPF. Taking this approach, those elements that would represent 'appropriate'</p>

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		<p>development in their own right would not in any event contribute to the 'harm by reason of inappropriateness' in considering very special circumstances.</p> <p>The Applicant will provide further detail on the level of 'other harm', taking into account the elements of the Project which are not inappropriate, in its response to ExQ13.1.3 as requested at Deadline 7.</p>
ExQ2_Q13.1.3	Applicant	<p>Green Belt: 'inappropriate development' and harm</p> <p>If the proposed development is deemed to be inappropriate development in the Green Belt, the Applicant's Green Belt Assessment [APP-500] is considered inadequate because the assessment of the Project against the purposes for including land in the Green Belt and on the impact on the openness of the Green Belt is too simplistic and abbreviated to enable the ExA to establish the extent of harm.</p> <p>Because this is a large-scale linear project, if it (or elements of it) is/are deemed to be inappropriate development, then it is necessary to understand the actual level of harm that may occur across the extent of the project, which may vary between locations and over time.</p> <p>There is no standard methodology for undertaking such an exercise, but a more detailed assessment of the impact of the project on the purposes and openness of the Green Belt using the relevant local authority Strategic Green Belt Assessments as the basis for the categorisation of settlements and identification of parcels to inform the assessment should be used. Thurrock, Gravesham and Havering Councils have provided useful pointers to those assessments and their 'parcel method' in their responses to ExQ1.</p> <p>The Applicant's submission on this point should be provided no later than D7.</p> <p>Response:</p> <p>The Applicant thanks the Examining Authority for their comment on the Green Belt Assessment provided within Q13.1.3. The Applicant can confirm that they have taken the comments on board and will provide a response at Deadline 7.</p>

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