

Lower Thames Crossing DCO

Gravesham Borough Council

(IP ref: 20035747)

Appendix 4

Comments on REP7 – 181: National Highways Lower Thames Crossing 9.172 Applicant's response to ExQ2 Q13.1.3 – Green Belt Harm Assessment

The comments that follow should be read in conjunction with Gravesham's own assessment of Green Belt harm to the south of the River Thames, set out in document REP4-291: Deadline 4 Submission – Response to ExQ1 – Annex 4: Q13.1.20 Green Belt.

Whether project is 'inappropriate' development in the Green Belt

Gravesham agrees with the position stated by the applicant that the project should be considered 'inappropriate' development in the Green Belt, as a whole, notwithstanding that certain elements would be capable of being considered not inappropriate if they had been proposed in isolation.

As most of these elements are only proposed to support the delivery of a wider scheme that falls outside of the closed list of exceptions listed under national policy, it would not be acceptable to treat them separately as not 'inappropriate'. The premise that developments should be considered as a whole in terms of whether they represent 'inappropriate' development in the Green Belt was established in the *Kemnal Manor* judgement in the Court of Appeal ([2005] EWCA Civ 835).

Green Belt assessment methodology

Gravesham accepts that there is no standard methodology by which a Green Belt impact assessment should be undertaken. Much therefore comes down to professional judgment on impacts on openness (spatial or visual) and potential conflict with Green Belt purposes.

It also accepts that the main Green Belt purposes that stand to be considered in Gravesham are (1) to check the unrestricted sprawl of large built-up area and (2) to safeguard the countryside from encroachment.

It is noted that the criteria for assessing impacts on openness set out at paragraph 3.3.3 of REP7 – 181 are similar to those used by Gravesham at Table 2 of REP4-291, ranging from 'no change' to 'major' over 5 steps – albeit the Gravesham ranking in theory also allows for consideration of beneficial impacts, although none were identified. Gravesham therefore raises no issues with the wording of the applicant's assessment criteria per se.

However, Gravesham has some concerns over the size of the parcels the applicant has used to sub-divide the area to undertake its assessment (i.e. parcels A, B and C). Some of these are very large and include areas considerably beyond the main route corridors where there will be little or no actual Green Belt impacts.

The reason the ExA required the applicant to provide a Green Belt assessment under ExQ2 13.1.3 was that APP-500 was considered to be inadequate, too simplistic and abbreviated to

enable it to establish the extent of harm. As such, the ExA was not in a position to make a judgement as to whether very special circumstances existed that clearly outweighed such harm. Gravesham considers that the applicant's Green Belt assessment remains inadequate

Gravesham considers that the applicant has understated potential levels of harm to Green Belt openness in the way it has sought to assess impacts at such an aggregated scale, rather than at a finer level of detail reflecting the way in which people would experience the project in real life.

Because the parcels are so large, the consideration of actual impacts on the ground appear very high level and superficial. Gravesham therefore considers that its own more textured and detailed assessment, based on sections of the main route corridor, is to be preferred.

This is because the Gravesham assessment provides more insight into the extent and severity of impacts over the course of the route rather than simply on a broad continuum. The Gravesham approach therefore allows the reader to understand how severe impacts are, where and over what extent of the route.

Whilst Gravesham's own assessment identifies a gradation of level of harm to Green Belt openness along the route alignment, harm at the lowest end of the scale is restricted to those few locations where interventions are limited.

In both spatial and visual terms, actual harm to openness would rapidly increase along the A2 as the road progresses westward to the A2/A122 junction where the impact would be major adverse.

The A122 itself represents a completely new road which has a spatial impact on openness, although its visual impact would reduce both by being in cutting and as landscape mitigation matures. For this reason, the Gravesham assessment concludes that the impact on openness would reduce along its length from the A2/A122 junction to the tunnel portal from major to moderate adverse.

Beyond this point, the road would be in tunnel but with some interventions above the portal south of the A226. For this reason, Gravesham concludes that in the area immediately north of the portal, the impact on Green Belt openness would only be minor adverse.

Associated points in relation to the applicant's assessment of Green Belt harm.

In terms of the visual dimension, it is noted the applicant appears to assess impact on openness only in terms of views from the surrounding countryside and not from the viewpoint of the road user – of which there would be millions over the lifetime of the project. Given the road will remain in the Green Belt and road users will also be conscious of its impact on Green Belt openness, both spatial and visual, this remains a material consideration.

Gravesham also notes that there appears to be little consideration of the impact of the project south of the River Thames in terms of the introduction of lighting where this either does not currently exist or would need to have extended coverage given the increased extent of paved areas. It would appear that the only reference to lighting in REP7 – 181 is in relation to encroachment of the countryside at 2.5.4.

Vehicles using the road would also introduce light, disturbance and pollution in areas where they do not currently frequent, which would also have an impact beyond the presence of the highway infrastructure itself.

Gravesham would contend that the introduction of the A122 and its junction with the A2 would be significant new urban features in the countryside. On this, Gravesham is not seeking to claim that the presence of the road would in itself encourage or result in unrestricted sprawl of the adjoining urban area.

Whether or not land is released from the Green Belt in this area to support further development would be a separate consideration, which in any event be constrained by the presence of the new road itself and associated infrastructure.

The applicant's contention at REP7-181, paragraph 2.5.1, that the new road would provide 'a strong defensible boundary thereby limiting the extent of encroachment into the countryside' is not relevant to the assessment of Green Belt harm in this instance.

The new road itself would represent a significant encroachment of the countryside and its potential to form a new Green Belt boundary should not be considered a benefit.

Applicant's case in relation to Very Special Circumstances.

Gravesham contends that the applicant has yet to sufficiently demonstrate Very Special Circumstances that clearly outweigh harm to the Green Belt through inappropriateness and any other harms. This is important because in reaching the required planning balance the ExA is obliged to attach significant weight to Green Belt in making its recommendation to the Secretary of State.

The statement at 2.5.2 of REP7 – 181, that national policy recognises linear infrastructure will often have to pass through Green Belt, is not determinative.

If this had been the case, Government would have included this type of development in the list of exceptions not considered 'inappropriate' in the Green Belt. It therefore remains the case that the applicant still needs to provide a robust and convincing case in respect of Very Special Circumstances.

Gravesham maintains its objection in principle to the development of Lower Thames Crossing in its current proposed location, to the east of Gravesend. This is not because this authority does not recognise the need for additional cross-river capacity, rather that Lower Thames Crossing will not resolve the situation at Dartford in the long-term whilst imposing unacceptable impacts on our local area.

Application document APP-522 Lower Thames Crossing – 7.7 Combined Modelling and Appraisal Report – Appendix C – Transport Forecasting Package at tables 8.11 (2030); 8.32 (2037) and 8.53 (2045) provide outputs on cross-river hourly flows under the applicant's Core Scenario for each year. Critical in terms of capacity is the constraint imposed on northbound flows approaching the traffic management cell at Dartford.

What these forecasts appear to show is that whilst Lower Thames Crossing would 'top-slice' growth in cross-river traffic at Dartford on the year of opening, this would quite quickly grow to levels similar to those currently experienced.

In contrast, volume to capacity at the new Lower Thames Crossing would remain relatively low through to at least 2045, suggesting that demand on the M25/A282 axis is relatively inelastic.

This implies that whilst Lower Thames Crossing may provide temporary relief at Dartford, it only really provides a window of opportunity to deliver more capacity at Dartford – in addition to the cost of Lower Thames Crossing itself. In other words, it is almost inevitable that it will be necessary to undertake further improvements at Dartford in the future to resolve the current issue, irrespective of whether Lower Thames Crossing is built.

This therefore undermines the Very Special Circumstances case for Lower Thames Crossing.

The other claimed need for Lower Thames Crossing is to improve network resilience by providing an alternative to Dartford. However, it is far from clear what the actual benefits of a new crossing would be in this respect, as the applicant has failed to provide any substantive evidence on this point.

It is not sufficient to assert that Lower Thames Crossing will deliver significantly greater resilience simply by being there – there needs to be sufficient capacity to accommodate flows at either crossing point when there is an incident and/or on the links/junctions in between them.

Whilst this point has been made by a number of interested parties, it has not been subject to scrutiny through the examination and a clear case in terms of Very Special Circumstances has not been established. Network resilience is also likely to decline again over time anyway, particularly as additional capacity at Dartford is taken up by background growth.

Any issues in this respect are likely to be exacerbated should junctions such as Orsett Cock and elsewhere not perform to a satisfactory standard or significant adverse impacts of the project on Bluebell Hill or the wider network are not mitigated.

Whilst wider economic benefits are likely to accrue from both the construction and operation of Lower Thames Crossing, the applicant's own Webtag based Treasury Green Book compliant analysis of monetised cost-benefit indicates that the project only represents low value for money with a central case Adjusted BCR of 1.22 [see APP-526 - Combined Modelling and Appraisal Report - Appendix D - Economic Appraisal Package: Economic Appraisal Report Table 11.1].

Applying sensitivity testing in respect of the Value of Time as per WebTAG Unit A1.3 on User and Provider Impacts (May 2022), the applicant suggests that the Adjusted BCR could be as low as 0.99 (poor value for money) up to 1.45 (still low value for money) [See REP1 – 183 at Annex H2).

In terms of road safety, Lower Thames Crossing would result in more accidents and not less because it induces more road based trips and more distance covered. By the applicant's own calculations, Lower Thames Crossing would result in an additional 26 fatal, 182 serious, and 2,464 slight accidents over a 60 year period [See APP – 526 at Table 8.10]. Whilst the actual accident rate would fall per million of kilometres travelled, the benefits here appear to

be quite marginal – i.e. a reduction in the accident rate per million vehicle km in 2045 of - 0.004 [See APP – 526 at Table 8.12].

In terms of other non-monetised environmental impacts constituting ‘other harms’, the ExA’s attention is drawn to the applicant’s own qualitative assessment set out in APP-526 at Table 10., the majority of which are considered adverse. Whilst these are assessments prior to mitigation, the ExA will already be aware that Gravesham does not necessarily agree with the applicant when it comes to evaluation of the severity of harm resulting from the project.

In particular, the ExA’s attention is drawn to potential landscape impacts within the Kent Downs AONB (National Landscape) and its setting which also stand to be assessed separately against NPSNN paragraphs 5.150 – 5.155. The issue raised at ISH11 in respect of the statutory duty in respect of AONBs and the changes in the form of wording brought about by the Levelling-up and Regeneration Act 2023 may also be material here.

Whilst the project would deliver a wide range of landscape mitigation with varying degrees of public access (in some instances) these interventions are largely as a result to mitigate the adverse impacts of the project and screen it from view.

In the case of Chalk Park, the primary purpose of the works is the disposal of spoil, with public access a secondary benefit. Where these works are primarily required as mitigation for the project, the benefits that accrue should only be accorded very limited weight as other material considerations in the planning balance.

In any event, in terms of other harms when it comes to the issue of landscape, the ExA’s attention is drawn to Table 10.6 of App-526 where the monetised disbenefit of landscape harm taking into account mitigation and ecosystem services benefits within the corridor itself (but not off site mitigation) is -£93.35 million. Whilst this is not fed into the adjusted BCR for the project, it does provide an indication of level of harm to landscape.

Gravesham’s position in respect of others harms in respect of cultural heritage is set out in documents REP1-232 and REP6-136, where it is considered that the level of harm is higher than that suggested by the applicant.

Should wider adverse highways impacts (including at Bluebell Hill) not be mitigated, these would also need to be considered under ‘other harms’. Conversely, should they be addressed, the cost of these associated works should be factored into any revised BCR given they would affect the projects Value for Money.

As stated at the outset of this section and based on the above, Gravesham considers that the applicant has to date failed to demonstrate sufficient Very Special Circumstances that clearly outweigh harm to the Green Belt through inappropriateness and any other harms as required by policy.