

Lower Thames Crossing

7.6 Road User Charging Statement

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1 Introduction

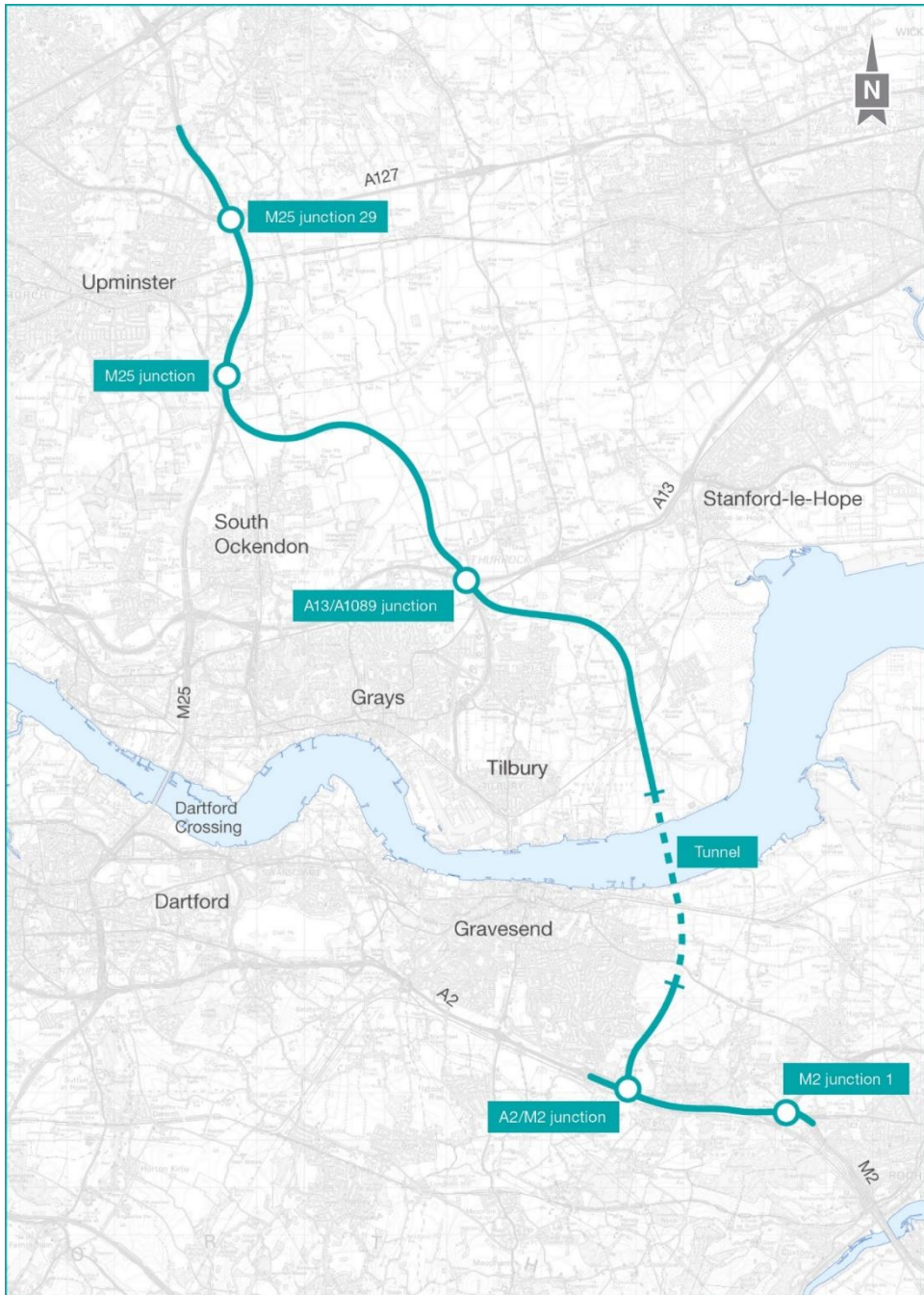
1.1 Purpose of the Road User Charging Statement

- 1.1.1 This Road User Charging Statement (Charging Statement) explains the powers that are being sought in the draft Development Consent Order (DCO) (Application Document 3.1) which would permit the Secretary of State to introduce and enforce road user charges at the Tunnel Area of the A122 Lower Thames Crossing (the Project). The Tunnel Area is shown on the Tunnel Area Plan (Application Document 2.12).
- 1.1.2 This Charging Statement is part of a suite of documents which accompanies the application for development consent. A full description of all the Application Documents is provided in the Introduction to the Application (Application Document 1.3).

1.2 The need for the Project

- 1.2.1 The need for the Project is set out in detail in Application Document 7.1. The high level of traffic wanting to use the Dartford Crossing exceeds the design capacity of the road. This results in frequent traffic congestion and poor journey time reliability, making the Dartford Crossing one of the least reliable sections of the strategic road network (SRN). While incremental improvements to the Dartford Crossing have helped ease these issues, these have not been sufficient to address the lack of road capacity east of London.
- 1.2.2 Congestion, delays and poor journey time reliability at the Dartford Crossing and on surrounding roads is a major impediment to economic growth in the South East of England. The River Thames acts as a barrier between Kent, Thurrock and Essex and affects the ability to build strong connections between these communities.
- 1.2.3 As a result of these ongoing issues, slow-moving and queuing traffic on both the local highway network and SRN approaches to the Dartford Crossing also impact the environment and surrounding communities through high levels of noise and air pollution.
- 1.2.4 The Project would provide a connection between the A2 and M2 in Kent and the M25 south of junction 29, crossing under the River Thames through a tunnel. The Project route in relation to the existing Dartford crossing is presented in Plate 1.1.

Plate 1.1 Project route in relation to Dartford Crossing



1.3 Background

- 1.3.1 In 2009, the Department for Transport (DfT) published the Dartford River Crossing study into Capacity Requirements (DfT, 2009), which looked at the proposals for the Lower Thames Crossing. That review was based on the crossing being subject to a road user charge.
- 1.3.2 The 2013 review of crossing options undertaken for the DfT noted that assumptions agreed with DfT included that users would be charged to use a new crossing facility (DfT, 2013). This DfT stipulation for a road user charge was retained when responsibility for the Project was transferred to National Highways (then, the Highways Agency) in 2014.

1.4 Rationale for charging

- 1.4.1 The Lower Thames Crossing would be close to the Dartford Crossing, which already has a road user charging scheme in place for demand management purposes. The Lower Thames Crossing would join the Dartford Crossing in a very heavily utilised part of the SRN. Section 4.2 of National Highway's licence (DfT, 2015a) requires it to ensure the effective operation of the network.
- 1.4.2 A charge at the Lower Thames Crossing, in conjunction with the existing charging regime at the Dartford Crossing, would enable the effective operation of both crossings and the wider SRN and local road network. If there was no charge for using Lower Thames Crossing, this would lead to higher overall demand and traffic taking longer routes than would otherwise be necessary.
- 1.4.3 Although charging revenue would not directly fund the Project, it would go to the Government and hence distribute the cost of the Project between the taxpayer and users. This is aligned with paragraph 3.25 of the National Policy Statement for National Networks (DfT, 2014).
- 1.4.4 Setting the Lower Thames Crossing road user charge to be equal to the one used for the Dartford Crossing would encourage customers to take the most appropriate route based on journey factors rather than being distorted by the level of charge. This would discourage unnecessary vehicle mileage from those seeking to save money from a cheaper crossing, and therefore would reduce the impacts of longer journeys, such as the consequential effect of additional emissions and noise.
- 1.4.5 To most efficiently use of the SRN and local roads, both in normal operations and incident scenarios, the two crossings would need to operate in an integrated manner. An equal charge would support this by simplifying decision making for the customer, allowing them when necessary to switch between crossings without the concern of different charging regimes.
- 1.4.6 Without prejudice to any decision by the Secretary of State on the grant of development consent, the DfT has reviewed details of the proposed road user charging regime for the Project and has confirmed that they are in line with government policy.

2 Proposed road user charging regime

2.1 Proposed road user charging regime

- 2.1.1 The DCO would permit the Secretary of State to impose road user charges at the Tunnel Area that are equal to the charges that apply at the Dartford Crossing from the date at which the Project opens for traffic.
- 2.1.2 The draft DCO (Application Document 3.1) defines the Tunnel Area of the Project as the tunnels and the tunnel approaches as shown on the Tunnel Area Plan (Application Document 2.12).
- 2.1.3 The Project's 2018 Statutory Consultation (Highways England, 2018) and subsequent Supplementary Consultation and Design Refinement Consultation in 2020 (Highways England, 2020) provided opportunities for the public and stakeholders to comment on the proposals for the Project, including the proposals for introducing road user charging at the Tunnel Area. These comments have been considered and responses are provided in the Consultation Report (Application Document 5.1).
- 2.1.4 Among those who supported road user charging or agreed that it was necessary for the Project to meet its objectives, there was general consensus that a consistent charging approach across the existing Dartford Crossing and the Tunnel Area would be preferable. These views have contributed to a change in approach since the 2018 Statutory Consultation, from one where the Applicant was intending to seek flexible charging powers to an approach that aligns the road user charging regime at the Tunnel Area with the Dartford Crossing road user charging scheme (the Dart Charge).
- 2.1.5 Accordingly, the DCO would align the road user charging regime at the Tunnel Area with the Dart Charge at the Project's opening, and on an ongoing basis. This includes details such as the hours during which the charges apply, the vehicles charged, the approach to concessions and discounts for account holders, and any exemptions granted. However, eligibility for the Local Residents' Discount Scheme (LRDS) is specific to each crossing. The Secretary of State is the charging authority for the Dartford Crossing, and the DCO does not include any powers to change the Dartford Crossing charges. Dartford Crossing charging legislation remains wholly unchanged by the draft DCO (Application Document 3.1).
- 2.1.6 The appraisal of the impacts of the Project, as detailed in the Combined Modelling and Appraisal Report (Application Document 7.7), is based on the assumption that the same charges apply at both crossings and that these charges stay constant in real terms over the Project's appraisal period. These assumptions have been agreed with the DfT.

2.2 Exemptions and discounts

- 2.2.1 Certain vehicles are exempt from the existing road user charges at the Dartford Crossing, including emergency and military vehicles, local bus services, motorcycles and vehicles that are tax exempt because they are registered for the use of a disabled person. The DCO would apply the same exemptions at the Tunnel Area. Exemptions based on vehicle tax class ensure that eligibility is well understood and easy to apply on a free-flow charging scheme.

- 2.2.2 The DCO would allow for discounted road user charges to be payable by users with accounts, in line with the Dart Charge account discounts. Account-based road user charging systems are more cost effective to operate and increase compliance, so account take-up is incentivised through the offering of discounts. As well as providing savings on the road user charge for each crossing made, registering for an account brings the road user an additional benefit of removing the risk of incurring a penalty charge as a consequence of failing to pay the road user charge.
- 2.2.3 The DCO would require that any account discounts that are applied to the road user charging regime at the Tunnel Area be offered on the same terms as the account discounts that apply to the Dart Charge. As detailed in the Combined Modelling and Appraisal Report (Application Document 7.7), the Project's appraisal assumes that such discounts apply.
- 2.2.4 The charges used for the Project's appraisal also assume that an LRDS would be offered. The LRDS is a discounted charge offered to households who pay council tax to Dartford Borough Council or Thurrock Council. The LRDS applies for vehicle classes B (cars, motorhomes and minibuses with nine or less seats) and C (vehicles with two axles). Class B company or hire vehicles are not eligible for LRDS.
- 2.2.5 The DCO would allow the Secretary of State to enter into the same discount arrangement, at the same rates as offered to Dartford and Thurrock residents on the Dart Charge, with residents who pay their council tax to Gravesham Borough Council or Thurrock Council. This aligns with the Dartford Crossing LRDS by limiting eligibility to residents of local authorities in which the tunnel portals would be situated.
- 2.2.6 Gravesham residents would be eligible for discounts for the use of the Lower Thames Crossing, Dartford residents would continue to be eligible for discounts for Dartford Crossing, and Thurrock residents would be eligible for discounts for both crossings. Thurrock residents would only need to apply once and pay one account fee in order to benefit from discounts at both crossings.

3 Establishing the charges

3.1 Establishing the road user charge

- 3.1.1 The DCO links the Project's road user charging regime with the Dart Charge. This is implemented by article 45 of the draft DCO (Application Document 3.1) which allows for the imposition of road user charges in accordance with Schedule 12 of the draft DCO. The legal basis for the inclusion of road user charges is set out in the Explanatory Memorandum (Application Document 3.2).
- 3.1.2 Schedule 12 contains the terms on which charges are to be imposed under the DCO. In general terms, this Schedule is set out in a similar way to a road user charging scheme order under the Transport Act 2000, and incorporates related procedures and processes so that the charges for the Tunnel Area will operate in the same way as road user charges under the Transport Act 2000. More specifically, Schedule 12 is modelled on the existing Dartford Crossing charging order (i.e., the A282 Trunk Road (Dartford-Thurrock Crossing Charging Scheme) Order 2013).
- 3.1.3 The legislative process for either varying or revoking and replacing the Dart Charge, or details thereof, is set out in The Trunk Road Charging Schemes (Bridges and Tunnels) (England) Procedure Regulations 2001.

3.2 Powers to waive or suspend the road user charges

- 3.2.1 The charging powers being sought under article 46 of the draft DCO (Application Document 3.1) include provision for the Secretary of State to waive and suspend the road user charges at the Tunnel Area in emergencies or exceptional circumstances, which might include failure of, or interruption to, the road user charging systems, and management of incidents or road closures.

3.3 Application of the Eurovignette Directive

- 3.3.1 The Eurovignette Directive (Directive 1999/62/EC) made provision relating to road charges and tolls primarily across the Trans-European Road Network. The Directive is incorporated into UK law by the Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009 (the 2009 Regulations). The 2009 Regulations do not apply to the charges proposed over the Tunnel Area on the basis that the Tunnel Area does not form part of the Trans-European Road Network, nor is it proposed to be designated as a motorway. Even if the 2009 Regulations applied to the Tunnel Area, there would be an exemption available under regulation 3(2) of the 2009 Regulations (as is the case for the Dartford Crossing).

4 Road user charging operation and enforcement

4.1 How the road user charges would be operated

- 4.1.1 National Highways currently manages the operation of the Dart Charge and enforcement on behalf of the Secretary of State under a protocol arrangement (DfT, 2015b). The same arrangement is proposed to manage the charges at the Tunnel Area, albeit that the protocol arrangement for the Tunnel Area is not a matter for the DCO itself, in the same way that the protocol arrangement for the Dartford Crossing is not set out in the road user charging scheme order which applies to that crossing.
- 4.1.2 The road user charging regime at the Tunnel Area would be a free-flow charging regime, with appropriate technology to detect and identify vehicles and to charge remotely. It is proposed that the operation and enforcement of the new charging regime and the Dart Charge would be combined. These services include payment channels, payment processing, account registration and management back office and customer contact centre. By directly linking charges to those at the Dartford Crossing, the DCO would require users of the Tunnel Area to pay charges in the same way as they do for the existing Dart Charge (for example, in advance of, or within a certain period after crossing, and through the same payment channels).

4.2 Non-compliance and enforcement

- 4.2.1 In order to deal with users not complying with the requirement to pay a road user charge, the draft DCO (Application Document 3.1) includes powers to enforce the road user charges at the Tunnel Area as if they were charges imposed by a road user charging scheme under the Transport Act 2000. This would allow the Secretary of State to draw on existing legislation, The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Enforcement Regulations), in order to enforce the road user charges at the Tunnel Area in the same way as the Dartford Crossing road user charges. This is through issuing penalty charge notices, charge certificates and, in cases of continued noncompliance, through the appointment of enforcement agents and use of a European debt recovery agency to facilitate enforcement against both UK and non-UK registered vehicles.
- 4.2.2 By drawing on the existing Enforcement Regulations, the DCO would align both the enforcement process and the penalty charge levels across the two crossings, allowing the Project to draw on the same enforcement services used to support the Dart Charge.

Glossary

Term	Abbreviation	Explanation
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.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Dart Charge		The Dartford Crossing free-flow electronic number plate recognition charging system (operates between 06:00 and 22:00).
Dartford Crossing		Road crossing of the River Thames in England, carrying the A282 road between Dartford in Kent to the south with Thurrock in Essex to the north. It consists of two bored tunnels and the cable-stayed Queen Elizabeth II Bridge.
Department for Transport	DfT	The government department responsible for the English transport network and a limited number of transport matters in Scotland, Wales and Northern Ireland that have not been devolved.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Free-flow charging		Barrier-free, remote road user charging
Highways England		Former name of National Highways.
Local Residents' Discount Scheme	LRDS	Accounts that offer discounts on road user charges but are subject to location-based eligibility criteria.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
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.
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.

Term	Abbreviation	Explanation
Real terms		Price that has been adjusted for inflation
Scheme Objectives		<ul style="list-style-type: none"> • To support sustainable local development and regional economic growth in the medium to long term • To be affordable to government and users • To achieve value for money • To minimise adverse impacts on health and the environment • To relieve the congested Dartford Crossing and approach roads and improve their performance by providing free-flowing north-south capacity • To improve the resilience of the Thames crossings and the major road network • To improve safety
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.
Strategic road network	SRN	The core road network in England managed by National Highways.
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.
Tunnel Area		The tunnels and tunnel approaches as shown in the Tunnel Area Plan (Application Document 2.12).

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