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BY EMAIL ONLY

Your Reference:

TR010032

Date: 24th February 2023

Dear Eleanor,

RE: Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing – Relevant Representation Submission

Following the Planning Inspectorate's acceptance (28th November 2022) of the application for a Development Consent Order (DCO) for the Lower Thames Crossing, Kent County Council (KCC) requests to be registered as an Interested Party at the Examination.

KCC has supported proposals for a new estuarial crossing for many years and through many consultations led by the Applicant, National Highways, and the Department for Transport (DfT). KCC is clear that the need for a new Lower Thames Crossing (LTC) is now urgent: demand to cross at Dartford exceeds the available capacity and having a single point of failure on the network leads to journey time delays, increased costs for businesses and individuals, and ultimately restricts economic growth both regionally and nationally. It is now time for a significant change to our Strategic Road Network to make it fit for purpose now and into the future. KCC therefore continues to support the proposed LTC and the investment in additional road capacity that will unlock new opportunities for Kent, the South East and the wider UK.

KCC's support for the project is stated in its statutory Local Transport Plan 4 (LTP4), where the Crossing is also part of the long-term transport policy aim of bifurcation. This splitting of traffic to/from the Channel ports along the M20/A20 and M2/A2 corridors will help to release capacity and therefore relieve pressure on the M20, especially in times of disruption to cross-Channel services. To fully achieve this aim, improvements to the A2/M2 are needed as well as enhanced links between the corridors, such as the A229 (for which KCC needs a financial contribution from National Highways to deliver a Large Local Major (LLM) scheme that will ensure this essential link is able to support LTC traffic when the project opens). The LTC must be delivered and seen as only the first stage in improving the A2/M2 corridor (Road Investment

Strategy 3 pipeline projects of A2 Brenley Corner and A2 Dover Access must also be delivered (by National Highways) to provide an enhanced strategic route from the Port of Dover to the Midlands and the North, essential to UK prosperity.

It is clear that LTC is of strategic importance to the long-term economic prosperity of this country going forwards, but it will (together with the Dartford Crossing) serve an equally important local function. With increased crossing capacity and greater journey time reliability, residents in Kent will have a much greater range of opportunities for work, education and leisure. Currently this market is suppressed by the unreliability of the Dartford Crossing, which constrains productivity in the Lower Thames area. To not proceed with the project would lead to a worsening of the existing unacceptable conditions at Dartford as well as restrict economic growth and miss out on productivity benefits nationally, regionally and locally. The detailed comments that follow in this Relevant Representation must be read in the context of our overall support for this strategically significant project.

KCC has entered into a Statement of Common Ground with National Highways (APP-126) that sets out matters agreed, not agreed and under discussion. This letter provides a summary of the main aspects of the proposal with which KCC agrees with National Highways, and disagrees, together with an appropriate explanation, in accordance with Planning Inspectorate Advice Note 8.2. In summary, an outline of the principal representations which KCC intends to make in relation to the application will concern:

- Highways and Transportation – as the Local Highway Authority for Kent;
- Public Rights of Way – as Local Highway Authority for Kent;
- Public Health – as Public Health Authority for Kent;
- Waste – as the Waste Disposal Authority for Kent;
- Surface Water Flooding and Drainage – as the Lead Local Flood Authority for Kent;
- Biodiversity;
- Heritage Conservation;
- Shorne Woods Country Park;
- Skills and Employability; and
- Additional Issues Associated with the draft DCO and Highways Related Documents.

Highways and Transportation

Areas of Disagreement

KCC has been investigating and documenting potential highways-related impacts of the LTC since the 2018 Statutory Development Consent Order (DCO) Consultation. These impacts fall into five categories as follows:

- Impacts of the LTC on the Strategic Road Network (SRN),
- Impacts of the LTC on the Local Road Network (LRN),
- Public Transport and Active Travel Impacts of the LTC,
- Impacts of LTC construction on both the SRN and LRN, and
- Additional issues with the DCO documents.

Impacts of the LTC on the SRN

Impacts of the LTC on the SRN have been identified using both National Highways' Lower Thames Area Model (LTAM) and KCC's proprietary Kent Transport Model (KTM). In our preliminary analysis, these impacts manifested themselves in an increase in traffic volume to capacity (V/C) ratio in the LTC implementation (Do Something) scenario, with the road links or junctions acting at or over capacity. Eleven SRN junctions on the M25, A2, M2 and M20 were so identified.

Although National Highways is responsible for the SRN, there are no mitigation plans for any of the affected 11 SRN junctions and nor do they feature in the next Road Investment Strategy (RIS) programme. All 11 SRN junctions have been included in the Wider Network Impacts Management and Monitoring Plan (WNIMMP) (APP-545) for the project, except for M25 Junction 2 (M25 / A2 / A282), which we request to be added. We also request that M25 Junction 1b (M25 / A225 / A296) is added and the A2 Pepper Hill junction including Hall Road/Station Road/New Barn Road south of the A2 (to be included alongside the Hall Road/Springhead Road junction already included) because these have been shown to be pushed over capacity in the Do Something scenario.

Four of these junctions located on the A2 between Springhead and Gravesend East have been shown to cause issues for the adjacent LRN (managed by KCC) and are currently being analysed as part of a Wider Network Impacts (WNI) study (discussed in the next section). KCC is concerned that there is no commitment to fund or deliver mitigations for any LTC impacts identified.

APP-529 - Document 7.9 - Transport Assessment (TA) indicates from the LTAM model that the new junction of the LTC with the A2 is forecast to operate at up to 76% capacity in the Design Year 2045 AM peak; although a number of highway links exceed 85% in the PM peak. The WNI study found similar results for highway links using the KTM model, but the KTM is also able to assess highway "nodes" within the junction, such as merges, diverges and roundabouts. The KTM shows that some nodes on this junction are operating at over 100% capacity in both AM and PM peaks in both Opening Year 2030 and Design Year 2045. The A2/LTC junction is included in the WNIMMP (APP-545) and KCC requests that the monitoring programme include an assessment of increased use of unsuitable rural routes as bypasses to avoid the SRN due to congestion in the vicinity of the A2/LTC junction. The WNI study has demonstrated that such "rat running" is forecast to occur, and it is also a key concern of local stakeholders.

The Department for Transport (DfT) has recently updated Circular 02/2013 to Circular 01/2022 Strategic Road Network and the Delivery of Sustainable Development. It is noted that the LTC, a flagship project for the SRN, does not comply with several requirements of the updated document. This includes omitting a service area (no provision is made in the Project for Electric Vehicle chargers or HGV parking, and the maximum distance between motorway service areas is over 50 miles), and there is also no provision for cross-Thames active travel.

Furthermore, the LTC must be considered as part of a wider package of infrastructure improvements necessary to maintain the UK's international connectivity. It is essential that the A2/M2 corridor is looked at holistically. Improvement schemes identified as pipeline projects for the Department for Transport's (DfT) next Road Investment Strategy at 'A2 Brenley Corner'

and 'A2 Access to Dover' need to be delivered alongside other capacity enhancements along the M2 and improved connections to the M20 (e.g. KCC's A229 Bluebell Hill Improvement Scheme which has a funding gap even if it is successful in bidding to the DfT's LLM fund) to ensure that the two strategic corridors to the Port of Dover and Channel Tunnel are resilient and the full benefits of the LTC are realised.

Impacts of the LTC on the LRN

Impacts of the LTC on the LRN have been identified at several times in the project's history using the same V/C analysis with the LTAM and KTM models. It was agreed between National Highways and KCC to review these impacts in more detail, and to develop mitigations to the level of pre-Strategic Outline Business Case (SOBC) in the WNI study, which is ongoing at the time of writing. National Highways have funded this study but made no commitment to fund mitigations for any LTC impacts identified, with the study outputs instead proposed to assist in seeking funding from elsewhere.

The WNI study has used more refined indicators to better reflect the impacts to road users as a result of LTC. The WNI study has confirmed the following key corridors, which were identified in earlier work, are subject to traffic impacts as a result of LTC:

- The A2 between Springhead and Gravesend East,
- The A227 between the A2 and the M20,
- The A228 between the M2 and the M20.

It has additionally identified impacts on the A226 Gravesend Road between A289 and Dillywood Lane, and Chatham Road between Old Chatham Road and A229.

The current phase of the WNI study is focussed on determining potential mitigation measures to alleviate the LTC impacts identified. More detail of those impacts will be presented in KCC's Local Impact Report, and the proposed mitigations will be made available to the Examining Authority when they are finalised. The assessment will also identify the wider economic impacts of leaving those impacts unmitigated. The County Council will update the Examining Authority with our asks of the Applicant when more clarity on costings for these mitigation measures become available through the WNI study.

KCC requests that the scope of the WNIMMP (APP-545) is further expanded to include the locations identified in the WNI study, to cover baseline surveys before construction starts. Additionally, the A206 Thames Way between Crayford Way and Burnham Road should be added to the WNIMMP (APP-545) monitoring schedule because the information in the Transport Assessment (APP-529) demonstrates a significant increase in traffic flow at this location.

KCC is also aware of the concerns of local stakeholders regarding the impacts of LTC-related traffic in rural areas such as Cobham, Shorne and Higham. These impacts have been identified in the WNI study and local representatives from these areas are also expected to submit their own Relevant Representations on this matter.

The A229 Blue Bell Hill connects M2 Junction 3 with M20 Junction 6 and, although part of the LRN, is a strategic link that was originally considered as part of the LTC scheme (the Option C 'variant'). It is the shortest and most direct route between the two motorway corridors as

well as being a key connector between the county town of Maidstone and the large conurbation of Medway. The documents submitted as part of the DCO application along with modelling KCC has undertaken demonstrates that the most severe impacts south of the river are on the A229 and its motorway junctions. Therefore, a significant improvement scheme is required to accommodate the additional LTC traffic alongside local plan growth. KCC has submitted a bid to the Department for Transport's (DfT) Large Local Majors (LLM) Programme, with a decision on proceeding to Outline Business Case (OBC) expected in May 2023.

The WNIMMP (APP-545) states that the A229 scheme would “*strengthen the network's readiness for the opening of the Project;*” however, funding is yet to be agreed by the DfT and there is currently a £35m funding gap which, unless funded by LTC to mitigate the impact of the Project, will mean that it cannot go ahead. A full impact statement can be provided for the A229.

KCC notes that the WNIMMP (APP-545) is a Wider Network Impacts Management and Monitoring Plan and yet Article 14(2) of the draft DCO does not include any requirement on National Highways for the scheme approved by the Secretary of State in accordance with the WNIMMP (APP-545) to include any 'management' of traffic or, indeed, remedial improvement of the wider highway network where monitoring identifies unacceptable highway impacts. This is clearly unacceptable.

Public Transport and Active Travel Impacts of the LTC

KCC remains concerned with the lack of facilities for walking, cycling and public transport on the crossing itself. This approach is contrary to current guidance such as the National Policy Statement for National Networks (DfT 2014, referenced in the TA (APP-529)), the recently updated Circular 01/2022 Strategic Road Network and the Delivery of Sustainable Development¹; and Gear Change: A Bold Vision for Walking and Cycling², all of which require projects to consider and provide for alternative modes. The proposal is not in line with current policies and sufficient evidence has not been provided to demonstrate why this is the case or indeed, acceptable.

15 years post opening of the LTC, the Dartford Crossing is predicted to be operating at 95% capacity. It is therefore vital that the network is future-proofed by providing for alternative modes, which not only offer modal choice but also provide reliable resilience to the network during periods of congestion. This provision is required at the outset.

The current design represents a missed opportunity to embed sustainable public transport access from the outset. It is unlikely that any local bus operator will be able to deliver commercially viable services linking local employment, leisure, and residential zones across the Thames, including demand responsive transport (DRT) and bus rapid transit (BRT). This is because, as stated by National Highways, “*the most suitable collection and drop-off points would be at the proposed M2/A2 junction and as far north as the proposed A13/A1089*

¹ <https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development/strategic-road-network-and-the-delivery-of-sustainable-development>

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf

junction". This will result in prohibitive public transport journey time for targeted local trips across the Thames.

Bus priority on the LTC could be a segregated access at locations much closer to the tunnel portals to create attractive and competitive public transport journey times. As the use of the emergency access has been ruled out by National Highways, KCC requires consideration of alternative priority accesses for public transport as part of developing future-ready new highway infrastructure.

It is government policy to ensure that road schemes fully consider bus improvement and bus priority, and KCC encourages National Highways to follow similar principles to deliver 21st century road infrastructure. [Ref: *National Bus Strategy (NBS) Bus Service Improvement Plan (BSIP) Highways & Network Management Initiatives 1*].

Impacts of LTC Construction

KCC welcomes the measures National Highways are proposing to reduce the scheme's construction impact on the LRN, including on-site accommodation, a shuttle service, subsidised or discounted public transport tickets and funding to draw down should targets be exceeded. However, further detail is required to ensure these are appropriate and fully secured as a requirement of any consent granted. KCC also welcomes the opportunity to work with National Highways to ensure Construction Travel Plans are sustainable.

Following review of National Highways' modelling of the construction impacts on traffic on the LRN, the PM peak traffic during construction phase 6 was identified as a "worst case" scenario appropriate for analysis. Review of all eleven construction phases and three peak periods found PM peak traffic for phases 6, 7 and 8 were of equal highest impact to the LRN areas of concern to KCC. Both the following issues have been raised in recent meetings with National Highways:

- The model forecasts significant delays of roughly half a minute to PM peak eastbound traffic on the A226 near the access of the Southern Tunnel Entrance construction compound. Traffic management is understood to be active for the full period the construction compound is operational, which is likely to be the full six-year construction period.
- Delays of one and a half minutes to PM peak eastbound traffic on the A2 mainline, between the Gravesend East junction and M2 Junction 1 (A289), where narrow lanes and 50mph speed limits are proposed. These A2 delays may encourage traffic to "rat run" through local villages such as Cobham and Lower Bush/Cuxton, and evidence of this exists in the model output. These traffic management measures are understood to be active for approximately two years over the LTC construction period.

Use of unsuitable rural routes through local villages during the extensive construction period is a key concern for KCC and further clarification/commitments are required to satisfy concerns. For example, securing adequate funds to implement Automatic Number Plate Recognition (ANPR) to monitor the routing of LTC construction traffic, and implementing traffic calming schemes to deter general traffic from rat running, should these be deemed necessary once construction begins. The DCO proposes to prohibit HGV movements on several local routes but KCC requests a number of additional routes are prohibited for HGVs (and some



designated unsuitable routes for staff). The Travel Plan (APP-546) should also encourage all staff to travel on KCC-preferred routes.

Journey time delays on public transport have been identified during the significant six-year construction period, yet no mitigation has been proposed. Mitigation is key to ensure this mode remains a viable and reliable alternative to the private car, to both maintain patronage and provide a sustainable option that could reduce congestion in the area. KCC is currently reviewing the impact of the various road closures and diversions during the construction phases on the bus routes identified in the TA (APP-529) to propose a mitigation package for National Highways to implement.

KCC has other queries and concerns regarding the model, the road safety audit (RSA), design of compound access/egress, construction routes, and opening of haul roads that the applicant should address.

Construction impacts on the condition of the existing LRN

The County Council also has concerns over the construction impacts of the LTC on the condition of the existing local road network and KCC's ability to maintain it.

Construction traffic for the LTC will place an increased loading on KCC's network resulting in faster deterioration than it would otherwise experience. The County Council has previous experience of dealing with the impact of construction and maintenance works on the A2, diverted traffic, especially local traffic that is rat-running due to delays caused by the works, and is fully aware of the significant additional loads a Project the scale of the LTC will place on KCC's roads. This is especially an issue for local and rural routes which are structurally weaker and more likely to experience failures due to increased traffic.

Maintenance works on failed areas of carriageway will need to be carried out earlier and to a higher standard to avoid conflicts with the LTC construction works. KCC's network currently has a backlog of over £500 million, so it is of critical importance that the County Council spends its limited resources where they will achieve the most benefit to its network. Repairs due to the impact of this project do not necessarily represent good asset management practice and will divert resources and funding away from other areas of KCC's network which are in more need and may otherwise deliver more benefit.

Sections of roads that do reach the end of their life during the LTC construction period will either require more expensive interventions or more short term repairs (which deliver poor value for money) to avoid having a significant impact on the local road network which will be especially sensitive during this time. Where this cannot be avoided, significant impacts on local residents and businesses may occur due to the combined impacts from the LTC works and required KCC maintenance works.

KCC has undertaken a review of its network and identified areas of concern that are on the principally affected routes likely to see significant construction traffic, diverted traffic or routes known from previous experience that locals will use to bypass other delays. These sites are approaching the end of their life but the County Council believes failure during the LTC construction would present an unacceptable risk to both the existing road network and the LTC project.

To avoid these problems, KCC believes it is more prudent to address these problem areas pre-emptively, before the LTC works begin, to build resilience into the LRN and ensure asset failures do not occur during the construction. Given the high level of local concern regarding the LTC project, such a pre-emptive programme could also represent a way to build good will with local residents/stakeholders.

As a result, KCC is seeking is £2.55 million of funding to deliver this pre-emptive programme, which sits alongside the £1.15 million that KCC is already in the process of investing in these routes. Evidence for the requested funding contribution and the full network review can be provided to the Examining Authority upon request. These have already been provided to the applicant for consideration.

KCC's position:

KCC seeks further information and clarification on these issues before it can be satisfied that its concerns have been adequately addressed. On the information currently available, however, it appears that these concerns are not adequately addressed in the draft DCO and the certified documents.

Public Rights of Way

Areas of Disagreement

Regarding Public Rights of Way (PRoW) (APP-530), the issues include the need for:

- One clear plan indicating the PRoW network to be created; the legal status of the routes to be provided, and the context of the wider PRoW network.
- A General Arrangement Plan showing the WCH widths achievable to ensure these adhere to relevant standards.
- Provision of an adequate commuted sum or ongoing maintenance arrangements for the upkeep of the new routes.
- Permissive access, particularly for equestrian and cycle use, is not to be viewed as a suitable alternative/compensatory provision for Non-Motorised Users (NMUs). PRoW routes need to have Highways status. Currently the provision south of the M2 corridor through Jeskyns Community Woodland cannot be considered adequate.
- Installation of active travel counters 12 months before the construction phase starts; with the counters to be maintained for a period of three years post completion.

KCC is particularly concerned about the specification of the widths and finished surfaces for proposed NMU routes, which will differ dependant on their proposed use and overall context.

KCC's position:

Currently these concerns are not adequately addressed in the draft DCO and the certified documents. KCC seeks amendments to plans and, where necessary, the draft DCO to ensure that these matters are adequately secured.

Public Health

Areas of Disagreement

Air Quality

Negative health impacts have been found well below current EU & UK limits of which LTC references as the standard by which the significance of air quality has on human health. It should therefore be recognised that any improvement or deterioration in air quality will have an impact on human health both positive and negative.

In addition it is also not clear why the impact on air quality of the LTC (APP-143) has been concluded as neutral when other health determinants have been more nuanced and explicit when there have been both positive and negative benefits.

Riverside Ward

Whilst many of the surrounding wards are identified as being beneficiaries of the LTC due to improvements in green space, active travel and access to work, it is concerning that Riverside Ward is identified within the Health Equality Impact Assessment (HEqIA) (APP-539) as having high sensitivity; and as one of the most deprived wards in Gravesham it does not appear to benefit as other wards do and this could therefore increase health inequalities in the area.

Given the Riverside ward has been identified as having poor access to private transport, greater understanding is required into some of the conclusions that they will have greater access to green space, work and training.

Absence of Hard Shoulder

Within the HEqIA (APP-539) it is noted that the consultation highlighted concerns about the absence of a hard shoulder along the proposed road links within the Project with reference to potential safety. Kent has above average levels of killed and seriously injured casualties on the roads, and the absence of a hard shoulder has not been addressed with any evidence to justify the decision.

KCC's position:

KCC seeks clarification on these issues before it can be satisfied that its concerns have been adequately addressed.

Waste

Areas of Disagreement

Chalk Park Proposal

Paragraph 2.3.77 of Chapter 2 of the Environmental Statement (APP-140) introduces the "creation of Chalk Park following construction". National Highways is proposing the creation of Chalk Park as mitigation for the loss of open space as a result of the project (APP-126 item 2.1.33).

It is not clear, however, whether Chalk Park is required to ensure the project is a sustainable pattern of development or if it is in fact required in order to effectively dispose or reuse of otherwise waste materials.

It is not clear whether this is a disposal led activity at the bottom of the defined waste hierarchy, and as the least sustainable waste management outcome, this would not be in accordance with the Kent Minerals and Waste Local Plan 2013-30 (early Partial Review 2020).

KCC's position:

KCC seeks clarification on this issue before it can be satisfied that its concerns have been adequately addressed.

Surface Water Flooding and Drainage

Areas of Disagreement

Whilst consultation has been undertaken on water matters with the Environment Agency with respect to groundwater modelling and Essex County Council with respect to design principles for attenuation and infiltration basins in 2019 and 2020, KCC expects the same level of consideration for water management within Kent's local area and it is disappointing that this still does not appear to be the case (the only direct consultation undertaken with KCC as Lead Local Flood Authority took place in July and September 2017).

KCC Officers have reviewed the information currently provided within the DCO application documents and, whilst satisfied with the general principles proposed to deal with surface water generated from the site works to the south of the River Thames via infiltration, there are some issues which require clarification:

- It has not been possible to review the results of hydraulic modelling in order to demonstrate the operational capabilities of the drainage network proposed given the calculated infiltration rate. Without being able to review this information KCC cannot be certain that the surface water drainage network operates within the required operational parameters.
- A plan should be provided which overlays the testing locations relative to the individual soakaway feature plans presented in the Flood Risk Assessment (APP-460 to APP-477)
- Whilst the majority of watercourses affected by the proposals are under the remit of the Environment Agency or Lower Medway Internal Drainage Board, there are some within the vicinity of Shorne and any works to these which could affect the watercourse or ditch's ability to convey water will require KCC's formal flood defence consent (including culvert removal, access culverts and outfall structures).

Environmental Statement – Chapter 2 (APP-140)

- KCC requests that a plan be provided which clearly shows the soakaway features proposed and which of these are within land currently under the ownership of National Highways.

- It is noted that Chapter 2 of the Environmental Statement (APP-140) states “Highway runoff would be collected by means of one of the edge of pavement details specified in the DMRB CD 524 (Highways England, 2021).” Clause LSP.28 of the document 7.5 Design Principles (APP-516) states that “the use of gully pots shall be avoided where a viable alternative is available” as such KCC asks for clarification as to where and what edge of pavement detail will be used throughout catchment (EFR-1) to capture surface water flows.
- Chapter 2 of the Environmental Statement (APP-140) paragraph 2.4.53 states “Where sediment forebays cannot be accommodated, a vortex grit separator shall be installed upstream of the basin inlet for pollution”. In order to confirm the appropriateness of such a device KCC asks that pollution mitigation indices be provided for these products in line with British Water’s applying the Ciria SuDS Manual Simple Index Approach to proprietary/manufactured stormwater treatment devices document.
- Chapter 2 of the Environmental Statement (APP-140) paragraph 2.7.75 states that an external waterproof membrane will be applied to precast box culverts and that this would typically be a bitumen coating KCC asks for confirmation to be provided from the relevant stakeholder(s) as to their acceptance of the use of bitumen.
- Paragraph 2.7.77 of Chapter 2 of the Environmental Statement (APP-140) describes the general makeup of headwalls in association with culverts. Whilst not discussed, the County Council advises that the use of concrete bag headwalls is not permitted in KCC managed watercourses.

Environmental Statement – Chapter 14 (APP-152)

- Paragraph 14.4.69 of chapter of 14 of the Environmental Statement (APP-152) mentions the requirement for nitrogen deposition compensation site KCC advises that should it be proposed for any water to be discharged other than via infiltration will need to be considered within and demonstrated as complaint with the Greenfield Run Off Rate.
- Paragraph 14.5.10 of chapter 14 of the Environmental Statement (APP-152) discusses good practice with regards to the construction phase and that the contractor will be responsible for providing a Flood Risk Assessment and drainage plan. KCC expects for the 1% AEP event to be considered as part of this.

Flood Risk Assessment (FRA) (APP-465 and APP-466)

- Within paragraph 4.7.2 of document 6.3 Environmental Statement – Appendix 14.6 – Flood Risk Assessment – Part 6 (APP-465) it is stated that “the Environment Agency verbally agreed at meeting held on 4th May 2022 that a 5% departure on peak rainfall intensities was acceptable. With this departure taken into account, the 20% and 40% uplift on peak rainfall intensity are deemed to be accepted for drainage design.” Whilst accepting of this principle, KCC asks for clarification as to whether a similar departure has been permitted for 3.3% AEP rainfall event.
- Whilst it is appreciated that further information has been provided within the FRA (APP-466) with regards to the cascading pond network serving the southern portal, it is not clear as to what the staggered infiltration rates used for the design are to be. As per the concerns above regarding hydraulic analysis, KCC cannot be certain as to its operational effectiveness without these rates and the hydraulic modelling thereof.

KCC's position:

KCC seeks further information and clarification on these issues before it can be satisfied that its concerns have been adequately addressed.

Biodiversity

Areas of Disagreement

Appropriate Assessment / Habitat Regulations Assessment (APP-487)

The conclusions of 'no adverse impact' are based on the implementation of best practice guidelines for avoiding impacts from surface water, dust, noise, air quality, vibration and lighting during construction and operational phase. However, the Examining Authority must be satisfied that the proposed approaches are appropriate.

The Thames Estuary Marshes next to/under the road receives its water via surface water/drains rather than ground water. There is a need to ensure that KCC are satisfied that tunnel and road construction do not impact the functionality of the marshes and ensure that they will continue to receive and retain water.

Species survey and mitigation

The species surveys have not covered all habitats or species to fully assess the impact of the proposed development (for example moth surveys have not been conducted, all required bat emergence surveys not completed, bat activity surveys did not follow best practice guidelines and reptiles surveys do not appear to have been carried in all suitable habitat).

Furthermore, the County Council has concerns that the proposed mitigation is not sufficient, as shown by the following examples:

- Only one receptor site has been clearly mentioned in the Outline Landscape and Ecology Management Plan (oLEMP) (APP-490) for reptiles. It is noted that this site will require habitat manipulation and then habitat creation to make it suitable, taking an estimated 10 years before the habitat is of the required condition. Mitigation areas need to be in a condition to support the species when required during the construction timetable.
- In regards to mitigation for the loss of veteran trees, the proposals state that "a *minimum of 30 individual specimen trees would be planted as replacement for lost veteran trees*". The County Council also has concerns that 30 trees is not sufficient for the loss of veteran trees and there must be a responsibility to retain standing deadwood. For example, all dead wood must not be left in log piles and should instead be strapped to felled mature trees to support invertebrate diversity.

Biodiversity Net Gain (BNG)

The County Council is concerned that the BNG calculations for the Project is anticipated to be lower than 3% for Kent. Trading rules have not been satisfied and thus the positive net gain scores south of the Thames will be invalid.

Furthermore, there are concerns that condition assessment information may be inaccurate – a limitation the ecologists acknowledge. BNG has been discussed since the original DCO submission in 2020 so the applicant has had sufficient time to collect this information to support the BNG assessment.

There is also no mention in document 6.3 appendix 8.21 – Biodiversity Metric Calculations (APP-417) about how additionality has been dealt with, with regards to protected species. For example, receptor sites for Great Crested Newts/reptiles should only be allowed within the calculations up to no net loss and it is not clear within the submission if this point has been addressed.

Green Bridges

The Project includes proposals for three green bridges, however currently these offer poor connectivity to other suitable habitats and the inclusion of roads on the structures provides additional hazards to animals trying to use the bridges to access other areas of suitable habitat.

Lighting

Very minimal information has been provided for the anticipated light spill (APP-199) from the operational phase of the Project, with only a small section highlighting the expected light spill upon key receptors. Without this information the County Council is unable to determine the full extent of the impacts.

Landscape and Ecology Management Plan (LEMP) (APP-490)

There is a need to ensure that proposed mitigation areas and habitat creation works will be managed in the short and long term. There is also a need to highlight that the habitats have to be retained long term and not lost as part of future developments (e.g. habitat creation as part of the mitigation for the High Speed 1 rail line is being lost as a result of this scheme).

No information has been provided on who will be responsible for implementing the management (short or long term) or how associated funding will be secured. The open habitats, such as the meadows and chalk grassland will require minimal but very specific management on an annual basis.

Nitrogen Deposition

Woodlands are proposed to be created to mitigate the impacts of nitrogen deposition and there is a need to ensure they can be established, retained and managed in the long term. A number of the woodlands surveyed as part of this works were flagged up as not having any management and therefore as part of this process there is a need to question if further mitigation can be carried out through enabling management of some/all of those woodlands.

KCC's position:

KCC seeks further information and clarification on these issues before it can be satisfied that its concerns have been adequately addressed. On the information currently available, however, it appears that these concerns are not adequately addressed in the draft DCO and the certified documents.

Heritage Conservation

Areas of Disagreement

Built Heritage

Historic England and Gravesham Borough Council's Conservation Officer will be providing detailed comments on built heritage, but it is unclear how the assessment (APP-150) has concluded vibration impacts during construction will have no significant impact on built heritage. Clarification is needed on this.

Furthermore, clarification is also needed on whether a realistic approach was taken to assessing the impact on designated and non-designated built heritage assets and historic landscapes (e.g. the Darnley Estate), before it is possible to determine if the proposed mitigation is appropriate and sufficient.

Archaeological Field Evaluation

Certain areas of the scheme have not been subject to archaeological field evaluation (APP-194) and there is a risk of unexpected archaeological discoveries, which may be of national importance. This is a particular concern in respect of the tunnel boring and development in the wetland areas of the scheme. Clarification is needed on how this issue is to be satisfactorily addressed.

Non-designated organic deposits

Non-designated organic deposits and remains of possible national importance that owe their significance to waterlogging are not adequately considered in the Environmental Statement nor in the draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (AMS-OWSI) (APP-367). Baseline monitoring for the hydrological environment of areas of impact is required to allow a model to be developed which can then be considered in relation to development proposals and so that appropriate mitigation by design and/or remedial works can be agreed upon.

Lack of consistency within the application documents

There is a lack of consistency within the DCO documentation. For example, the defined 'project areas' and archaeological mitigation works (field evaluation, archaeological excavation etc) outlined in Chapter 2 (Project Description) of the Environmental Statement (APP-140) does not appear, for example, to be consistent with the areas defined in the draft AMS-OWSI (APP-367). In addition, there are other areas of the documentation which also require clarity and additional content.

Environmental Statement – Chapter 6 – Cultural Heritage

Chapter 6 of the Environmental Statement (APP-144) fails to clearly identify how values have been calculated for certain individual heritage assets and, whilst the proposed mitigation may be appropriate, KCC would like clarification on this and to discuss this further with the applicant to understand the proposals and ensure the best possible outcomes. These will need to be secured through the DCO.

Environmental Mitigation Areas

KCC requires clarification on the proposals for landscape and planting mitigation areas, including Chalk Park, and the impact of these on the historic landscape of the area and the setting of, and ability to appreciate relevant heritage.

KCC's position:

KCC seeks further information and clarification on these issues before it can be satisfied that its concerns have been adequately addressed.

Shorne Woods Country Park

Areas of Disagreement

Loss of revenue as a result of the Project

Shorne Woods Country Park is the county's most popular country park and a large proportion of its financial sustainability comes from car park income, particularly in school holidays and weekends, and other revenue streams such as education visits, shop, café, events, venue hire, log sales.

The impact of lengthy diversions and congestion will impact on whether people visit or book Shorne Woods. In addition, the closure of Brewers Road bridge for any period would be significant for the park and have a large impact on visitor numbers as well as increasing traffic along local country lanes and through Shorne village.

Where community assets/facilities are affected throughout the six year construction period then suitable compensation should be arranged to offset the impact. KCC wishes to see National Highways work with local asset managers and owners, including Shorne Woods Country Park, to agree a sufficient monitoring strategy and mechanism of claiming compensation when there is evidence to prove construction of the Project has had a clear adverse impact on revenue generated.

KCC's position:

KCC seeks further information and clarification on these issues before it can be satisfied that its concerns have been adequately addressed. On the information currently available, however, it appears that these concerns are not adequately addressed in the draft DCO and

the certified documents and/or an agreement with / assurances from National Highways will be required.

Skills and Employability

Areas of Disagreement

The impact on construction workforce

The amount of available labour has diminished as a result of Brexit and Covid-19 such that National Highways needs to carefully consider the wider knock on impacts of constructing the Lower Thames Crossing. It is imperative that National Highways works closely with the County Council and other educational institutions to ensure appropriate training courses are made available and all attempts are made to ensure a skilled workforce is available.

KCC's position:

On the information currently available these concerns are not adequately addressed in the draft DCO and the certified documents. KCC seeks an agreement with / assurance from National highways on these employment issues.

Additional Issues Associated with the draft DCO and Highways Related Documents

The issues raised above regarding the draft DCO and highways related and other documents prevent KCC from being able to agree/disagree certain matters with National Highways, as KCC requires adequate information in order to form a proper view. This is clearly unfortunate and KCC has tried to engage positively with National Highways in resolving these issues.

In addition to the issues above, greater clarity will be required from National Highways on a range of important issues, including, for example:

- KCC needs to understand precisely which parts of the authorised development will be transferred to it as highway authority (e.g. roads, bridges, LEMP works etc). KCC needs to see a table/matrix of Schedule 3 Part 5 (list of road closures, classification of roads) and Schedule 1 (relevant part of the authorised development) to assist with understanding which parts of authorised development are to be transferred to KCC in order to inform any side agreement discussions.
- KCC needs to understand clearly which roads in the Classification of Roads Plan (APP-041) relate to what Authorised Works and what works and new assets KCC will ultimately be responsible for.
- National Highways states the Control Plan (referenced in APP-003), which is effectively the mitigation 'route map', is a non-statutory framework of documents, some of which are in the application and others which will be completed as secured by DCO requirements following consent. However, there is a clear gap in the DCO in terms of implementation of mitigation and the relationship of the documents identified within the Control Plan is not clear.
- The discharge of requirements under the DCO will also place a very considerable resource burden on KCC as a relevant highway authority. KCC seeks a mechanism

that ensures National Highways will reimburse KCC with the costs of resourcing this additional work. This is not currently clear within the draft DCO and other documents.

KCC has also noticed DCO drafting issues in the draft DCO, such as the failure to include a 'time limit' within which development must 'commence'. As currently drafted, the DCO will allow unlimited time for the discharge of pre-commencement requirements.

The above examples illustrate where the application documents are currently inadequate, but the issues are not limited to the above examples. Furthermore, once further information / clarification is provided, as requested above, additional issues may arise on the draft DCO and other documents.

What KCC will seek through the examination

KCC will develop these concerns in its Local Impact Report (LIR) and Written Representations (WR) and, where appropriate, in Issue Specific Hearings and its responses to any questions from the Examining Authority.

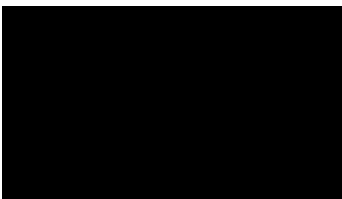
In broad terms, however, through the examination process, KCC will seek:

- The provision of additional information from National Highways;
- Clarification on issues from National Highways;
- Agreements with National Highways;
- Other assurances from National Highways; where necessary
- Protective Provisions; and/or, where necessary
- Amendments to the draft DCO.

KCC looks forward to working with the applicant and the Planning Inspectorate as the project progresses through the DCO process and would welcome the opportunity to comment on matters of detail throughout the Examination.

Should you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely,



Simon Jones

Corporate Director – Growth, Environment and Transport